HARVARD THEOLOGICAL REVIEW
VOLUME XLVIII JANUARY, 1955 NUMBER 1

CONSIDERATIONS OF METHODOLOGY IN THE STUDY OF THE MYSTERY RELIGIONS AND EARLY CHRISTIANITY

BRUCE M. METZGER *
PRINCETON THEOLOGICAL SEMINARY

FROM THE DAYS of the Renaissance and Reformation to the present, the Mystery Religions of antiquity have engaged the attention of classical scholars and theologians alike.[1] During what may be called the precritical stage of the study of this subject, it was commonly believed that by the Mysteries a constant succession of priests or hierophants transmitted from age to age an esoteric doctrine, better and nobler than that of the popular religion.[2] Whether this recondite science had been derived originally from the hidden wisdom of India or Egypt, or from the Old Testament, or even from a primitive revelation to all mankind, was debated with characteristic disregard for historical methodology.

The first scholar who made an exhaustive and critical examina-

* The substance of this article was read as a paper presented to the annual meeting of the American Philological Association in New York, December, 1953. The author wishes to thank the Baker Book House of Grand Rapids for permission to utilize certain arguments he had made in much briefer form and without supporting footnotes in an article on "Mystery Religions, Relation of, to Early Christianity," which will appear in the supplementary volumes of the New Schaff-Herzog Encyclopedia of Religious Knowledge. Grateful acknowledgment is also made of the courtesy of Professor A. D. Nock of Harvard University, who provided the author with several helpful *corrigenda et addenda*.

[1] Perhaps the first from the standpoint of classical scholarship as well as Protestant theology to give serious consideration to the Mysteries was Isaac Casaubon. In his De rebus sacris et ecclesiasticis exercitationes (London, 1614) he attempted to show that sacramental ceremonies in the early Roman Catholic Church were influenced by the ancient Mystery religions. (I have used the Geneva edition, 1655, where the Mysteries are treated on pp. 477 ff.).

[2] E.g., G. E. J. de Sainte Croix, Recherches historiques et critiques sur les mystères du paganisme (Paris, 1784), and F. Creuzer, Symbolik und Mythologie der alten Völker (Leipzig, 1810).

tion of the statements of ancient authors regarding the Mysteries was Christian August Lobeck.[3] Although Lobeck confined his attention to the Eleusinian, the Orphic, and the Samothracian Mysteries, his monograph, published in 1829, was of the greatest importance in the inauguration of a new era in the scientific study of the subject in general. A great deal of rubbish and pseudo-learning was swept aside, and it became possible to discuss intelligently the rites and teachings of the Mysteries.[4]

Furthermore, it was also during the nineteenth century that archaeology made quite significant additions to our knowledge of the beliefs and practices of devotees of the Mysteries. Excavations of places of worship supplemented the evidence from classical and patristic authors with thousands of inscriptions, hymns, mosaics, gems, statues, altars, lamps, sacrificial instruments, and the like.

It thus became increasingly possible and necessary to make scientific comparisons between the Mysteries and early Christianity. From the latter part of the nineteenth century to the present, many scholars have expressed their opinion regarding the relationship between the Church and the competing religions in the Roman Empire.[5] As would be expected in view of the fragmentary and occasionally ambiguous evidence, different investigators have arrived at quite divergent results. On the one hand, some scholars believe that only a minimum of outside influence came to bear upon primitive Christianity (e.g., Anrich,[6] Cheet-

[3] C. A. Lobeck, Aglaophamus, sive de theologiae mysticae Graecorum causis, 2 vols. (Königsberg, 1829).

[4] For a brief summary of some of the earlier discussions of the question of the relation of the Mysteries to Christianity, see Samuel Cheetham, The Mysteries, Pagan and Christian (London, 1897), pp. ix sqq.

[5] Besides the scores of monographs published during the past century which deal exclusively with the relation of the Mysteries to Christianity, there are hundreds of volumes which devote one or more chapters to this question, not to speak of hundreds of additional studies in which the authors more briefly express their opinion on the problem. In addition, there is an enormous bibliography on the Mysteries *per se*. A. D. Nock remarks with subtle sarcasm, "'Saviour-gods' and mysteries probably did not bulk so large in the life of the first century A.D. as in modern study"; see his "Early Gentile Christianity and its Hellenistic Background," in Essays on the Trinity and the Incarnation, ed. A. E. J. Rawlinson (London, 1928), p. 81.

[6] Gustav Anrich, Das antike Mysterienwesen in seinem Einfluss auf das Christentum (Göttingen, 1894).

ham,[7] Clemen,[8] Kennedy,[9] Machen,[10] Boulanger,[11] Jacquier,[12] Nock,[13] Heigl,[14] Prümm,[15] and Rahner[16]). Others, on the other hand, are disposed to believe not only that the amount of influence was relatively large but also that it made itself felt in the formulation of central and crucial doctrines and rites of the Church (e.g., Hatch,[17] Wobbermin,[18] Gardner,[19] Soltau,[20] Brückner,[21] Reitzenstein,[22] Perdelwitz,[23] Loisy,[24] Bousset,[25] Böhlig,[26]

[7] Op. cit.

[8] Carl Clemen, Religionsgeschichtliche Erklärung des Neuen Testaments, Die Abhängigkeit des ältesten Christentums von nichtjüdischen Religionen und philosophischen Systemen (Giessen, 1909); Eng. trans., Primitive Christianity and Its Non-Jewish Sources (Edinburgh, 1912); and Der Einfluss der Mysterienreligionen auf das älteste Christentum (Giessen, 1913).

[9] H. A. A. Kennedy, St. Paul and the Mystery Religions (London, 1913).

[10] J. Gresham Machen, The Origin of Paul's Religion (New York, 1921), pp. 211–290.

[11] André Boulanger, Orphée, rapports de l'orphisme et du Christianisme (Paris, 1925).

[12] Ernst Jacquier, "Mystères païens (les) et Saint Paul," Dictionnaire apologétique de la foi catholique, ed. A. d'Alès, III (1926), 964–1014.

[13] A. D. Nock's essay mentioned above in footnote 5; and his articles on "Le religioni di mistero," Ricerche religiose, VI (1930), 392–403, and "Mysteries," Encyclopaedia of the Social Sciences, XI (1937), 172–175.

[14] Bartholomäus Heigl, Antike Mysterienreligionen und Urchristentum (Münster, 1932).

[15] Karl Prümm, Der christliche Glaube und die altheidnische Welt, 2 vols. (Leipzig, 1935); and Das antike Heidentum nach seinem Grundströmmungen, ein Handbuch zur biblischen und altchristlichen Umweltkunde (Münster, 1942).

[16] Hugo Rahner, "Das christliche Mysterium und die heidnischen Mysterien," Eranos-Jahrbuch, 1944 (Band XI), Die Mysterien (Zürich, 1945), 347–449.

[17] Edwin Hatch, The Influence of Greek Ideas and Usages upon the Christian Church (London, 1890).

[18] Georg Wobbermin, Religionsgeschichtliche Studien zur Frage der Beeinflussung des Urchristentums durch das antike Mysterienwesen (Berlin, 1896).

[19] Percy Gardner, The Origin of the Lord's Supper (London, 1893); The Growth of Christianity (London, 1907); and The Religious Experience of St. Paul (London, 1911).

[20] Wilhelm Soltau, Das Fortleben des Heidentums in der altchristlichen Kirche (Tübingen, 1906).

[21] Martin Brückner, Der sterbende und auferstehende Gottheiland in den orientalischen Religionen und ihr Verhältnis zum Christentum (Tübingen, 1908).

[22] Richard Reitzenstein, Die hellenistischen Mysterienreligionen (Leipzig, 1910; 3rd ed., 1927).

[23] Richard Perdelwitz, Die Mysterienreligionen und das Problem des I Petrusbriefes (Giessen, 1911).

[24] Alfred Loisy, "The Christian Mystery," Hibbert Journal, X (1911–12), 45–64; and Les mystères païens et le mystère chrétien (Paris, 1914; 2e ed., 1930).

[25] Wilhelm Bousset, "Christentum und Mysterienreligionen," Theologische Rundschau, XV (1912), 41–61; "Die Religionsgeschichte und das Neue Testa-

Macchioro,[27] Weigall,[28] Case,[29] Schütze,[30] Holland,[31] Hyde,[32] Vassall,[33] and Prentice.[34]

Such widely divergent opinions are due, at least in part, to differences in methodology in dealing with the evidence. In what follows an attempt is made to outline some considerations which, it is suggested, must be taken into account in estimating the amount of influence of the Mysteries upon the New Testament.

I. First of all, a distinction is to be made between the faith and practice of the earliest Christians and that of the Church during subsequent centuries. One cannot deny that post-Constantinian Christianity, both Eastern and Western, adopted not a few pagan rites and practices.[35] From Asclepius came the practice of incubation in churches for the cure of diseases.[36] The functions

---

ment," ibid., 251–278; Kyrios Christos (Göttingen, 1913); and Jesus der Herr (Göttingen, 1916).

[26] Hans Böhlig, Die Geisteskultus von Tarsos im augusteischen Zeitalter mit Berüchsichtigung der paulinischen Schriften (Göttingen, 1913).

[27] Vittorio Macchioro, Orfismo e Paolinismo, studi e polemiche (Montevarchi, 1922); and From Orpheus to Paul, a History of Orphism (New York, 1930).

[28] Arthur Weigall, The Paganism in Our Christianity (London, c. 1928).

[29] Shirley Jackson Case, Experience with the Supernatural in Early Christian Times (New York, 1929), pp. 106–145, and The Origins of Christian Supernaturalism (Chicago, c. 1946).

[30] A. Schütze, Mithras-Mysterien und Urchristentum (Stuttgart, 1937).

[31] A. Holland, Les cultes de mystères; l'ancienne rédemption païenne et le Christianisme (Paris, 1938).

[32] W. W. Hyde, Paganism to Christianity in the Roman Empire (Philadelphia, 1946).

[33] William F. Vassall, The Origin of Christianity, Brief Study of the World's Early Beliefs and Their Influence on the Early Church (New York, 1952).

[34] William K. Prentice, The Gospel of the Kingdom of God (Boston, 1953), pp. 139–162.

[35] Cf. the following statement in a letter which Flavius Vopiscus attributes to Hadrian: "The land of Egypt . . . I have found to be wholly light-minded, unstable, and blown about by every breath of rumour. There those who worship Serapis are, in fact, Christians, and those who call themselves bishops of Christ are, in fact, devotees of Serapis. . . . Even the patriarch himself, when he comes to Egypt, is forced by some to worship Serapis, by others to worship Christ," Scriptores historiae Augustae, Firmus, viii (Loeb Classical Library, III, 399 f., ed. and trans. by David Magie). The fact that this letter is an obvious forgery does not detract from its value in reflecting the opinion of a fourth century non-Christian author who wrote perhaps during the Julian revival. Christian syncretism in Egypt emerged at least as early as the second half of the second century when certain Gnostics established a Larium in Alexandria where they venerated images of Jesus, Pythagoras, Plato, Aristotle, and other philosophers (Irenaeus, I, xxv, 6 [I, 210, Harvey]).

[36] See L. Deubner, De incubatione capita quattuor (Leipzig, 1900); Mary Hamilton, Incubation, or the Cure of Disease in Pagan Temples and Christian

of more than one local demi-god were taken over by Christian saints whose names even, in some cases, remind one of the original pagan prototypes.[37] Statues of Isis holding the infant Harpocrates (Horus), as well as the exalted hymns in honor of the Egyptian Queen of Heaven, find their obvious counterparts in the growth of the cult of Mary.[38] Just as Sabazios with characteristic gesture — the upper three fingers raised, the other two bent down — blessed his adherents, so the Catholic bishop of the West gave (and still gives) his blessing to the faithful.[39] Through various paths the ancient idea of "refrigerium" entered both popular and official circles of the Church.[40] Processions in which sacred objects are carried for display to the on-lookers, the tonsure of priests, certain funeral rites, the use of lighted tapers, popular ideas regarding the geography of Hades — all

---

Churches (London, 1906); and E. J. and L. Edenstein, Asclepius, 2 vols. (Baltimore, 1945).

[37] See Ernst Lucius, Die Anfänge des Heiligenkults (Tübingen, 1904); W. W. Hyde, Greek Religion and Its Survivals (Boston, 1923), pp. 41–85; Hippolyte Delehaye, Les légendes hagiographiques, 3rd ed. (Brussels, 1923), pp. 140–201; G. J. Laing, Survivals of Roman Religion (Boston, 1931), and idem, "Roman Religious Survivals in Christianity," in J. T. McNeill (ed.), Environmental Factors in Christian History (Chicago, 1939), pp. 72–90.

[38] While it is doubtless true that the earliest artistic representations of Mary with the infant Jesus do not portray her nursing the child, as was customary in the representation of Isis and Horus (so G. A. S. Snijder, De forma matris cum infanto sedentis apud antiquos [Vienna, 1923], p. 69), it is equally true that subsequent Christian art and cultus betray decided borrowings in this and other respects from the cult of Isis (and perhaps also the cult of Astarte); see W. Drexler, s.v. "Isis," in W. H. Roscher's Ausführliches Lexikon der griechischen und römischen Mythologie; Theodor Trede, "Die Himmelskönigin," in his Das Heidentum in der römischen Kirche, II (Gotha, 1890), 338–371; Francis Legge, Forerunners and Rivals of Christianity, I (Cambridge, 1915), 84–89; and Werner Peek, Der Isishymnus von Andros und verwandte Texte (Berlin, 1930). With reference to the cult of Astarte, see Gustav Rösch, "Astarte — Maria," Theologische Studien und Kritiken, LXI (1888), 265–299; cf. Trede, op. cit., "Die grosse Muttur," pp. 85–121.

[39] Chr. Blinkenberg, "Darstellungen des Sabazios und Denkmäler seines Kultus" in his Archaeologische Studien (Copenhagen, 1904), pp. 66–128, and F. Cumont, Comptes rendus de l'académie des inscriptions et belles-lettres, 1906, pp. 72–79.

[40] See A. M. Schneider, Refrigerium nach literarischen Quellen und Inschriften, Inaug. Diss. (Freiburg im B., 1928); E. Buonaiuti, "Refrigerio pagano e refrigerio cristiano," Ricerche religiose, V (1929), 160–167; A. Perrot, Le "Refrigerium" dans l'au delà (Paris, 1937); Mircea Eliade, "Locum refrigerii . . . ," Zalmoxis, revue des études religieuses, I (1938), 203–208; and J. Quasten, " 'Vetus superstitio et nova religio,' the Problem of *Refrigirium* in the Ancient Church of North Africa," Harvard Theological Review, XXXIII (1940), 253–266.

these have quite generally acknowledged pagan prototypes.[41] The real difference of opinion, however, arises with regard to the relation of nascent Christianity to its pagan rivals.

II. The nature and amount of the evidence of the Mysteries create certain methodological problems. Partly because of a vow of secrecy imposed upon the initiates, relatively little information regarding the teaching imparted in the Mysteries has been preserved. Furthermore, since a large part of the scanty evidence regarding the Mysteries dates from the second to the fifth Christian centuries, it must not be assumed that beliefs and practices current at that time existed in substantially the same form during the pre-Christian era. In fact, that pagan doctrines would differ somewhat from place to place and from century to century is not only what one should antecedently expect, but also what the sources reveal to be a fact. For example, the grades of Mithraic initiation in the West included that of "Cryphius"; in the East (in its stead?) was that of "Nymphus."[42] Again, the efficacy of the rite of the taurobolium differed in what was promised to the initiate.[43] Methodologically, therefore, it is extremely hazardous to assume, as has sometimes been done, that a certain rite or

[41] See Gerhard Loeschcke, Jüdisches und Heidnisches im christlichen Kult (Bonn, 1910), pp. 16–36; A. Dieterich, Nekyia, 2te Aufl. (Leipzig, 1913); Andrew Alföldi, A Festival of Isis in Rome under the Christian Emperors of the Fourth Century (Budapest, 1937); M. P. Nilsson, "Pagan Divine Services in Late Antiquity," Harvard Theological Review, XXXVIII (1945), 63–69; and Hugo Rahner, Griechische Mythen in christlicher Deutung (Zürich, 1945).

For a classical statement of the multifarious influence of paganism on the early and the medieval Church, see Charles Reade, The Cloister and the Hearth, chap. 74 (Everyman's Library edition, chap. 72). No little research went into this chapter of Reade's historical novel; for his sources, see Albert M. Turner, The Making of the Cloister and the Hearth (Chicago, 1938), pp. 186–188.

Some consideration of the earlier period is also given in Jean Seznec, La survivance des dieux antiques (Studies of the Warburg Institute, XI [London, 1940]), Eng. trans. and revision, The Survival of the Pagan Gods; The Mythological Tradition and Its Place in Renaissance Humanism and Art (New York, 1953).

[42] B. M. Metzger, "St. Jerome's Testimony Concerning the Second Grade of Mithraic Initiation," American Journal of Philology, LXVI (1945), 225–233.

[43] According to epigraphical evidence, the taurobolium was efficacious for twenty years (Corpus Inscriptionum Latinarum, VI, 504, of A.D. 376, and 152, of A.D. 390), for eternity (CIL, VI, 510 of A.D. 376), and, possibly, for twenty-eight years (so an inscription discussed by Cumont in Comptes rendus de l'académie des inscriptions, 1923, pp. 253 ff.). See Clifford H. Moore, "The Duration of the Efficacy of the Taurobolium," Classical Philology, XIX (1924), 363–365.

belief which a Christian author cites must have existed in the same form in pre-Christian days.

III. Another consideration, often overlooked by scholars who are better acquainted with Hellenistic culture than with Jewish, is necessarily involved in the circumstance that the early Palestinian Church was composed of Christians from a Jewish background, whose strict monotheism and traditional intolerance of syncretism must have militated against wholesale borrowing from pagan cults.[44] Psychologically it is quite inconceivable that the Judaizers, who attacked Paul with unmeasured ferocity for what they considered as his liberalism in regard to the relation of Gentile converts to the Mosaic law, should nevertheless have acquiesced in what is sometimes thought to have been his thoroughgoing contamination of the central doctrines and sacraments of the Christian religion. Furthermore, with regard to Paul himself scholars are coming once again to acknowledge that the Apostle's prevailing set of mind was rabbinically oriented, and that his newly-found Christian faith ran in molds previously formed at the feet of Gamaliel.[45]

IV. In estimating the degree of opportunity afforded the early Palestinian Church of being influenced by the Mysteries, it is certainly a significant fact that, unlike other countries bordering the Mediterranean Sea, Palestine has been extremely barren in yielding archaeological remains of the paraphernalia and places of worship connected with the Mysteries.[46]

[44] For a balanced essay on the general immunity of Jews from influences of the Mysteries, see S. H. Hooke's chapter, "Christianity and the Mystery Religions," in the symposium, Judaism and Christianity; vol. I, The Age of Transition, ed. by W. O. E. Oesterley (London, 1937), pp. 235–250. Despite its valued contribution by collecting scattered materials, E. R. Goodenough's Jewish Symbols in the Greco-Roman Period, 3 vols. (New York, 1953) falls short of proving that pre-Christian, Palestinian Judaism had been influenced by the Mysteries *per se*; see Morton Smith's trenchant critique in the Anglican Theological Review, XXXVI (1954), 218–220.

[45] A noteworthy example of this change of emphasis in Pauline studies is to be found in W. D. Davies, Paul and Rabbinic Judaism; Some Rabbinic Elements in Pauline Theology (London, 1948).

[46] According to the map prepared by Nicola Turchi (in his Le religioni misteriosofiche del mondo antico [Rome, 1923]), showing the diffusion of the Mysteries of Cybele, dea Syria, Isis, Mithra, Orpheus-Dionysus, and Samothrace in the Roman Empire, the only cult which penetrated Palestine proper was the the Isiac cult. Evidence (is it merely numismatic?) for this cult was found at Aelia Capitolina, i.e., subsequent to Hadrian's rebuilding of Jerusalem c. A.D. 135.

V. That there *are* parallels between the Mysteries and Christianity has been observed since the early centuries of the Church, when both Christian [47] and non-Christian [48] alike commented upon certain similarities. In evaluating the significance of alleged parallels in certain crucial areas (i.e., the sacraments and the motif of a dying and rising savior-god), consideration must be given to the following.

A. Some of the supposed parallels are the result of the modern scholar's amalgamation of quite heterogeneous elements drawn from various sources. As Schweitzer pointed out, "Almost all the popular writings fall into this kind of inaccuracy. They manufacture out of the various fragments of information a kind of universal Mystery-religion which never actually existed, least of all in Paul's day." [49]

Even reputable scholars have succumbed to the temptation to be more precise than the existing state of information will permit. Commenting on this temptation, Edwyn R. Bevan says caustically: "Of course if one writes an imaginary description of the Orphic mysteries, as Loisy, for instance, does, filling in the large gaps in the picture left by our data from the Christian eucharist, one produces something very impressive. On this plan, you first

---

By this time all the fundamental doctrines and sacraments of the Church had been fixed. It should be observed, however, that similar maps which Herbert Preisker includes in his Neutestamentliche Zeitgeschichte (Berlin, 1937) indicate no archaeological remains of the cults of Isis, Mithra, and Cybele within Palestine.

Jerome provides literary evidence that at Bethlehem the cult of Adonis found a foothold as a result of Hadrian's attempt to paganize Jerusalem and its environs; Epistola lviii ad Paulinum, 3, "Bethleem, nunc nostram et augustissimum orbis locum, . . . lucus inumbrabat Thamuz, id est Adonidis, et in specu, ubi quondam Christus paruulus uagiit, Ueneris amasius plagebatur" (CSEL, LIV, 532, 4–8 Hilberg). See also Wolf Wilhelm von Baudissin, Adonis und Esmun (Leipzig, 1911), p. 83 and p. 522, note 5.

[47] E.g., Justin Martyr, Apol. I, lxvi, 4 and Dial., lxx, 1; and Tertullian, de Corona, xv (CSEL, LXX, 186–188 Kroymann) and de Praescript, xl (ib., 51 f.).

[48] E.g., apparently Celsus, ap. Origen, c. Celsum, vi, 22 (GCS, Orig., II, 91–93 Klostermann) and, no doubt with exaggeration, Flavius Vopiscus, Firmus, viii (quoted above in footnote 35).

[49] A. Schweitzer, Geschichte der Paulinischen Forschung (Tübingen, 1911), pp. 151 f. (Eng. trans., Paul and His Interpreters [London, 1912], pp. 192 f.). In a similar vein F. C. Conybeare refers to "the untrained explorers [who] discover on almost every page connections in their subject matter where there are and can be none, and as regularly miss connections where they exist" (The Historical Christ [London, 1914], p. viii).

put in the Christian elements, and then are staggered to find them there." [50]

It goes without saying that alleged parallels which are discovered by pursuing such methodology evaporate when they are confronted with the original texts. In a word, one must beware of what have been called "parallels made plausible by selective description."

B. Even when the parallels are actual and not imaginary, their significance for purposes of comparison will depend upon whether they are genealogical and not merely analogical parallels.[51] That is to say, one must inquire whether the similarities are to be regarded as arising from more or less equal religious experience, due to equality of what may be called psychic pitch and equality of outward conditions, or whether they are due to borrowing one from the other. Interesting as the parallels are which Sir James G. Frazer collected from the four corners of the earth in his monumental work, The Golden Bough, by no means all of them are to be regarded as the result of demonstrable borrowing. In seeking connections it is not enough (as F. C. Conybeare pointed out) "for one agent or institution or belief merely to remind us of another. Before we assert literary or traditional connection between similar elements in story and myth, we must satisfy ourselves that such communication was possible." [52]

It is a fact that in various spheres close similarities even in phraseology have been discovered which are related to each other by nothing more direct than analogy. For example, in a letter published in The (London) Times at the end of July, 1938, the late Professor Harold Temperley pointed out two quite remarkable parallels between speeches made by Canning in 1823 and 1826 and their modern counterparts in Neville Chamberlain's utterances on July 26, 1938. In a subsequent letter, the Prime Minister disclaimed having previously read either of Canning's

[50] Edwyn R. Bevan, in the symposium, The History of Christianity in the Light of Modern Knowledge (Glasgow, 1929), p. 105; reprinted by Thomas S. Kepler, Contemporary Thinking about Paul, An Anthology (New York, 1940), p. 43.

[51] For this distinction, see Adolf Deissmann, Licht vom Osten, 4te Aufl. (Tübingen, 1923), pp. 226 ff. (Eng. trans., Light from the Ancient East [New York, 1927], pp. 265 ff.).

[52] Conybeare, op. cit., p. viii.

speeches, and concluded that the parallels "indicate simply the continuity of English thought in somewhat similar circumstances, even after an interval of more than a hundred years." [53] Or, to take an example from ancient times, a close parallel to the docetism expressed in the apocryphal Acts of John has been discovered in Ovid's Fasti.[54] It would be vain, however, to imagine that Greek Christian writers were indebted to Ovid for their docetic interpretation of Christ's sufferings. So too, as Toynbee points out in his Study of History,[55] the uniformity of human nature sometimes produces strikingly similar results in similar situations where there can be no suspicion of any historical bridge by which the tradition could have been mediated from one culture to the other.[56]

C. Even when parallels are genealogical, it must not be uncritically assumed that the Mysteries always influenced Christianity, for it is not only possible but probable that in certain cases the influence moved in the opposite direction. In what T. R. Glover called "the conflict of religions in the Early Roman Empire," it was to be expected that the hierophants of cults which were beginning to lose devotees to the growing Church should take steps to stem the tide. One of the surest ways would be to imitate the teaching of the Church by offering benefits comparable with those held out by Christianity. Thus, for example, one must doubtless interpret the change in the efficacy attributed to the rite of the taurobolium. In competing with Christianity, which promised eternal life to its adherents, the cult of Cybele

[53] The text of the two letters is given by E. G. Selwyn in the introduction of his commentary on The First Epistle of St. Peter (London, 1949), pp. 8 f.

[54] The parallel is discussed by R. L. P. Milburn in Journal of Theological Studies, XLVI (1945), 68 f.

[55] Arnold J. Toynbee, A Study of History, VI (Oxford, 1939), 276 ff., and 376–539. On anthropological and cultural parallels in general, see M. P. Nilsson in Gercke-Norden's Einleitung in die Altertumswissenschaft, 4te Aufl., II, iv (Leipzig, 1933), 58 ff.; H. J. Rose, Concerning Parallels, Frazer Lecture, 1934 (Oxford, 1934); and A. D. Nock in Gnomon, XV (1939), 18 f., and American Journal of Philology, LXV (1944), 99 ff.

[56] The two facts that all human beings eat and that most of them seek companionship with one another and with their god account for a large percentage of similarities among the examples from around the world gathered by Fritz Bammel in his interesting study of Das heilige Mahl im Glauben der Völker, eine religionsphänomenologische Untersuchung (Gütersloh, 1950).

officially or unofficially raised the efficacy of the blood bath from twenty years to eternity.[57]

VI. Finally, in arriving at a just estimate of the relation of the Mysteries to Christianity as reflected in the New Testament, attention must be given to their differences as well as resemblances. These differences pertain to both language and ideas.

A. It is instructive to consider what words are missing from the vocabulary of the earliest Christian writers. Many ordinary, every-day words of contemporary pagan religions are conspicuous by their absence from the New Testament; words such as μύστης, μυστικός, μυσταγωγός, or the religious terms καθαρμός, καθάρσια, κάθαρσις. Christians are never called ἱεροί, nor are ἱερόν and ναός ever used of their place of meeting. One seeks in vain for τελεῖν in the sense "to initiate" and its compounds, τέλος in the same sense, as well as τελετή, ἀτέλεστος, and such common words in the Mysteries as ἱεροφάντης, ὄργια, κάτοχος, ἔνθεος, ἐνθουσιάζειν and its correlates, which, as Nock says, "might so well have been used to describe possession by the Spirit." The important point to observe, as Nock continues, is that "these are not recondite words; they belonged to the everyday language of religion and to the normal stock of metaphors. It almost seems that there was a deliberate avoidance of them as having associations which were deprecated. Certainly there is no indication of an appropriation of pagan religious terms." [58]

[57] So, e.g., Hugo Hepding, Attis, seine Mythen und sein Kult (Giessen, 1903), p. 200, note 7, and Rahner, Eranos-Jahrbuch, XI (1944), 397 f. On the other hand, Moore thinks that *"in aeternum renatus* represents rather the enthusiastic hopes of the devotee than any dogma" (op. cit., p. 363), and Nilsson regards the phrase as reflecting "a heightening which was easy to make in an age when so many spoke of eternity" (Geschichte der griechischen Religion, II [München, 1950], 626); but they have apparently forgotten that Augustine tells of having known a priest of Cybele who kept saying, "Et ipse Pileatus christianus est" ("and even the god with the Phrygian cap [i.e. Attis] is a Christian"), In Ioannis evangelium tractatus, vii, 1, 6 (Migne, PL, XXXV, 1440). The imitation of the Church is plain in the pagan reforms attempted by the Emperor Julian, a devoted adherent to the cult of Cybele. In general see Carl Clemen, Der Einfluss des Christentums auf andere Religionen (Giessen, 1933), especially pp. 22–29.

[58] A. D. Nock, "The Vocabulary of the New Testament," Journal of Biblical Literature, LII (1933), 134, who cites additional words common in popular religions but absent from the New Testament. See also Nock, "Hellenistic Mysteries and Christian Sacraments," Mnemosyne, 4th Ser., V (1952), 177–213, esp. 200, "Any idea that what we call the Christian sacraments were in their origin indebted

The few words which are common to the New Testament and the texts of the Mysteries either are so infrequent in the New Testament as to be inconclusive in establishing religious affinities (as, e.g., μυεῖν, ἐμβατεύειν, ἐπόπτης, each of which appears only once), or have an entirely different meaning in the two corpora of sources (as, e.g., μυστήριον).[59]

B. In the nature of the case a most profound difference between Christianity and the Mysteries was involved in the historical basis of the former and the mythological character of the latter. Unlike the deities of the Mysteries, who were nebulous figures of an imaginary past, the Divine Being whom the Christian worshipped as Lord was known as a real Person on earth only a short time before the earliest documents of the New Testament were written. From the earliest times the Christian creed included the affirmation that Jesus "was crucified under Pontius Pilate." On the other hand, Plutarch thinks it necessary to warn the priestess Clea against believing that "any of these tales [concerning Isis and Osiris] actually happened in the manner in which they are related." [60]

C. Unlike the secretiveness of those who guarded the Mysteries, the Christians made their sacred books freely available to all.[61] Even when the *disciplina arcani* was being elaborated in the fourth and fifth centuries (whether as a diplomatic and paedagogic technique and/or as a Christian borrowing from the Mysteries, need not be determined now),[62] it was still possible to

---

to pagan mysteries or even to the metaphorical concepts based upon them, shatters on the rock of linguistic evidence."

[59] See Nock, "Mysterion," Harvard Studies in Classical Philology, LX (1951), 201–204.

[60] Plutarch, de Iside et Osiride, xi (Loeb Classical Library, p. 29); see also lviii, "We must not treat legend as if it were history" (op. cit., p. 139).

[61] Apuleius refers to "quosdam libros litteris ignorabilibus praenotatos, partim figuris cuiuscemodi animalium concepti sermonis compendiosa verba suggerentes, partim nodosis et in modum rotae tortuosis capreolatimque condensis apicibus a curiosa profanorum lectione munita," Metamorphoses, xi, 22. On the contrary, Christians not only made available the Greek Scriptures, but prepared versions in the principal vernaculars as well. On the contrast in general, see Harnack, Bible Reading in the Early Church (London, 1912), pp. 28 f. and 146 f.

[62] For the history of views regarding the *disciplina arcani* down to the present century, see Heinrich Gravel, Die Arcandisciplin, I Theil: Geschichte und Stand der Frage, Diss. Münster (Lingen a/Ems, 1902). For more recent summaries, see A. Jülicher in Pauly-Wissowa, Real-Encyclopädie, V, 1175 f.; L. Schindler, Altchristliche Arkandisziplin und die antiken Mysterien, Program. Tetschen (1911);

contrast the simplicity and openness of Christian rites with the secrecy of pagan Mysteries.[63]

D. The differences between the Christian sacraments of baptism and the Eucharist and corresponding ceremonies in the Mysteries are as profound as their similarities are superficial. Both of the Christian sacraments, in their earliest phase, were considered to be primarily *dona data*, namely blessings conveyed to those who by nature were unfit to participate in the new order inaugurated by the person and work of Jesus Christ.[64] Pagan sacraments, on the contrary, conveyed their benefits *ex opere operato* by "the liberating or creating of an immortal element in the individual with a view to the hereafter, but with no effective change of the moral self for the purposes of living." [65]

Methodologically it is begging the question to assume that every lustral rite or communal meal in the Mysteries possessed sacramental significance. Actually it is only in Mithraism, of all the cults, that one finds evidence that washing with water was part of the ritual by which a new member was admitted to one or other of the grades in the Mithraic system.[66] Similarly with respect to sacramental meals reserved for those who had been initiated into the community of devotees, there is singularly little evidence.[67] Nothing is heard of sacramental meals in Orphism. The drink-

---

E. Vacandard, "Arcane," Dictionnaire d'histoire et de géographie ecclésiastiques, III (1924), 1497–1513; and O. Perler, "Arkandisziplin," Reallexikon für Antike und Christentum, I (1950), 667–676.

[63] E.g. Pseudo-Augustine, Quaestiones veteris et novi Testamenti, cxiv, 6 (CSEL, L, 305 Souter): Hinc est unde nihil apud nos in tenebris, nihil occulte geritur. Omne enim, quod honestum scitur, publicari non timetur; illud autem, quod turpe et inhonestum est, prohibente pudore non potest publicari. Quam ob rem pagini mysteria sua in tenebris celebrant, uel in eo prudentes. Erubescunt enim palam inludi; turpia enim, quae illic uice legis aguntur, nolunt manifestari, ne qui prudentes se dicunt hebetes his uiceantur, quos stultos appellant.

[64] So, inter alia, I Cor. 10 and the Fourth Gospel. See Nock's discussion of "Baptism and the Eucharist as 'Dona Data,'" in Mnemosyne, 4th Ser., V (1952), 192–202.

[65] Nock, "Mystery," Encyclopaedia of the Social Sciences, XI, (1937), 174.

[66] Tertullian, De baptismo, v (CSEL, XX, 204, 29 ff. Reifferscheid and Wissowa). Probably because of its great expense, the taurobolium appears never to have been required for membership in the cult of Magna Mater.

[67] Albrecht Dieterich's generalization, "It is remarkable that a sacramental meal should play so large a part in the dominant cults of later antiquity" (Eine Mithrasliturgie, 3te Aufl., Leipzig and Berlin, 1923, p. 102), exceeds all bounds of legitimate inference from actual evidence.

ing of the *kykeon* in the rites at Eleusis,[68] which has sometimes been thought to be the prototype of Paul's teaching regarding the Lord's Supper,[69] is as different as possible from the Christian Communion. The latter was the privilege of the τέλειοι, or fully initiated; but the drinking of the *kykeon* was a preliminary ceremony, prescribed for the candidate prior to his initiation. Furthermore, in the Eleusinian rite there was no table-fellowship, nor was the ceremony continually repeated.[70]

The Attis-cult practiced a rite involving eating something out of the timbrel and drinking something out of the cymbal,[71] but whether these actions of eating and drinking had any significance beyond that of a number of other symbolical acts involved in the initiation, is not known. Nor is there any suggestion that all the initiates participated in this ceremony as the central act of worship subsequent to their incorporation into the community — if there was a community — of devotees of Attis.

The supposition that the Samothracian Mysteries included a sacred meal rests upon an interpretation (proposed, e.g., by Dieterich [72] and Hepding [73]) of a fragmentary inscription discovered at Tomi on the Black Sea.[74] Unfortunately, however, the meaning of the inscription depends so largely upon editorial reconstruction of the missing portions that Hemberg in his recent magisterial treatment of the cult finds no reason even to mention the inscription.[75]

Mithraism alone among the Mystery cults appears to have had something which looked like the Christian Eucharist. Before the initiate there were set a piece of bread and a cup of water, over

[68] Clement of Alexandria, Cohortatio ad gentes, ii (GCS, Clem., I, 16, 19 Stählin), and Arnobius, Adversus nationes, v, 26 (CSEL, IV, 197, 24 Reifferscheid).

[69] So, e.g., Gardner; see footnote 19 above.

[70] S. Eitrem, "Eleusinia — les mystères et l'agriculture," Symbolae osloenses, XX (1940), 140 ff.

[71] Clement of Alexandria, Protrepticus, ii, 15 (GCS, Clem., I, 13, 12 Stählin), and Firmicus Maternus, De errore profanorum religionum, xviii, 1 (43, 17 Ziegler). It may be pointed out, for whatever it is worth, that Firmicus makes a point of contrasting the Christian and Phrygian rites; see also William M. Groton, The Christian Eucharist and the Pagan Cults (New York, 1914), pp. 81 ff.

[72] Op. cit., pp. 104 f.

[73] Op. cit., pp. 185 f.

[74] Edited by Gregor G. Tocilescu in Archäologisch-epigraphische Mitteilungen aus Oesterreich, VI (1882), 8 f.

[75] Bengt Hemberg, Die Kabiren (Uppsala, 1950).

which the priest uttered a ritual formula. Here where the resemblance existed the Church Fathers took note of it, ascribing it to the ingenuity of demons.[76] It is fair to urge that had there been other parallels between the Christian sacraments and pagan rites, one should expect that contemporary Christian writers would have noticed them and given the same explanation.

The problems connected with the formation and transmission of the words of institution of the Lord's Supper are too complicated for discussion here,[77] but on almost any view of this matter the Jewishness of the setting, character, and piety expressed in the rite is overwhelmingly pervasive in all the accounts of the origin of the Supper.[78] Moreover, unlike the sacred meals in the cults of Eleusis and of Attis, the Christian sacrament is not a seasonal rite, but is celebrated quite independently of the time of year. Furthermore, the eucharistic elements are set apart by

[76] Justin Martyr, Apol. I, lxvi, 4; cf. Dial., lxx, 1 and Tertullian, de Praescr., xl.

[77] See, e.g., Hans Lietzmann, Messe und Herrenmahl (Tübingen, 1926), Eng. trans. by Dorothea H. G. Reeve, Mass and the Lord's Supper, A Study in the History of the Liturgy, fasc. I (Leiden, 1953—); N. P. Williams, "The Origins of the Sacraments," in E. G. Selwyn (ed.), Essays Catholic and Critical, 3rd ed. (London, 1929), pp. 367–423; August Arnold, Der Ursprung des christlichen Abendmahl im Lichte der neuesten liturgiegeschichtlichen Forschung (Freiburg, 1937); Joachim Jeremias, Die Abendmahlsworte Jesus, 2te Aufl. (Göttingen, 1949), and "The Last Supper," Journal of Theological Studies, L (1949), 1–10; and A. J. B. Higgins, The Lord's Supper in the New Testament (London, 1952).

[78] On the Jewish background of the Lord's Supper, see especially Blasius Ugolini, "Dissertatio de ritibus in Cœna Domini ex antiquitatibus paschalibus illustratis," in his monumental Thesaurus antiquitatum sacrum, XVII (Venice, 1755), 1127–1188; Georg Beer's introduction, "Zur Geschichte des Paschafestes," in his ed. of Die Mischna, II Seder, Moëd, 3. Traktat, Pesachim (Giessen, 1912), pp. 1–109, especially pp. 92–109 which deal with the Lord's Supper; Paul Billerbeck's excursus, "Das Passamahl," in H. L. Strack and Billerbeck, Kommentar zum Neuen Testament aus Talmud und Midrasch, IV, i (München, 1928), 41–76; Gregory Dix, The Shape of the Liturgy, 2nd ed. (London, 1949), pp. 48 ff.; and Jeremias's works mentioned in the preceding footnote.

Whether the Prayer of Aseneth (otherwise called Joseph and Asenath) preserves indications of a Jewish religious meal distinct from the Passover and similar to the Lord's Supper has no immediate bearing upon the present inquiry, for the date of the completed form of this apocryphon may well be post-Christian, and in any case it is basically Jewish in its outlook. For the relevant passages see G. D. Kilpatrick in Expository Times, LXIV (1952), 4–8, and J. Jeremias's reply, ibid, pp. 91–92.

The resemblance between the Lord's Supper and certain Mithraic ceremonies, which Justin Martyr explained (see footnote 76 above) as due to the work of demons in anticipation of the Christian sacrament, may be regarded either as fortuitous or as the result of adaptation by Mithraic priests of an impressive rite in the Christian cultus.

prayer; in fact, the giving of thanks is so central in the sacrament that this provides a name for the rite itself (εὐχαριστία).[79]

Finally, the differences of cultic vocabulary between primitive Christianity and the Mysteries (see VI, A, above) are nowhere more obvious than in the case of baptism.[80] That the antecedents of Christian baptism are to be sought in the purificatory washings mentioned in the Old Testament and in the rite of Jewish proselyte baptism, is generally acknowledged by scholars today.[81]

E. The motif of a dying and rising savior-god has been frequently supposed to be related to the account of the saving efficacy of the death and resurrection of Jesus Christ. The formal

[79] Nock observes that although paganism expressed gratitude for blessings received, "we cannot imagine copious impromptu prayer in a pagan rite," Mnemosyne, 4th Ser., V (1952), 201. In this connection reference may be made to a third century papyrus edited by Theodor Schermann, Frühchristliche Vorbereitungsgebete zur Taufe, in Münchener Beiträge zur Papyrusforschung, III (München, 1917).

[80] With regard to the Christian terminology of baptism, Erich Fascher concludes: "Aufs Grosse und Ganze gesehen haben die ersten Christen also schon durch die Wortwahl (Wörter, die selten und weder in der Profangräcität noch in LXX kultisch bestimmt sind) ihr Eigentümliches zum Ausdruck gebracht," article on "Taufe," Pauly-Wissowa, Real-Encyclopädie, Zweite Reihe, 8te Halbband (IV, A, II), 2504, 12–17. See also Nock's judgment on the difference of sacramental terminology, footnote 58 above.

[81] See, among many treatments, Konstantin Hartte, Zum semitischen Wasserkultus (vor Ausbreitung des Christentums), Diss. Tübingen (Halle, 1912); Gottfried Polster, "Der kleine Talmudtraktat über die Proselyten," Angelos, Archiv für neutestamentliche Zeitgeschichte und Kulturkunde, II (1926), 2–38; J. Leipoldt, Die urchristliche Taufe im Lichte der Religionsgeschichte (Leipzig, 1928); J. Coppens, "Baptême," Dictionnaire de la Bible, Supplément, I (1928), 852–924, especially "Rapports entre les mystères païens et le baptême chrétien," 911–920; J. Jeremias, "Der Ursprung der Johannestaufe," Zeitschrift für die neutestamentliche Wissenschaft, XXVIII (1929), 312–320; Louis Finkelstein, "The Institution of Baptism for Proselytes," Journal of Biblical Literature, LII (1933), 203–211; H. H. Rowley, "Jewish Proselyte Baptism and the Baptism of John," Hebrew Union College Annual, XV (1940), 313–334; and H. G. Marsh, The Origin and Significance of New Testament Baptism (Manchester, 1941).

Reitzenstein's conclusions in his Die Vorgeschichte der christlichen Taufe (Leipzig and Berlin, 1929) rest upon the very dubious methodology of appealing to evidence from the Mandaic literature, which dates in its present form from the seventh and eighth centuries, and is itself partly dependent on Christianity. Recent evaluations of the limited usefulness of Mandaism in accounting for elements in Christian origins include those by W. L. Knox, St. Paul and the Church of the Gentiles (Cambridge, 1939), pp. 212–219, and C. H. Dodd, The Interpretation of the Fourth Gospel (Cambridge, 1953), pp. 115–130. For a guide to the extensive literature on the subject, see S. A. Pallis, Essay on Mandæan Bibliography, 1560–1930 (Copenhagen and London, 1933).

resemblance between the two, however, must not be allowed to obscure the great differences in content.

1. In all the Mysteries which tell of a dying deity, the god dies by compulsion and not by choice, sometimes in bitterness and despair, never in a self-giving love. But according to the New Testament, God's purpose of redeeming-love was the free divine motive for the death of Jesus, who accepted with equal freedom that motive as his own.

2. Christianity is *sui generis* in its triumphant note affirming that even on the Cross Jesus exercised his kingly rule (*Dominus regnat ex ligno*). Contrary to this exultant mood (which has been called the *gaudium crucis*), the pagan devotees mourn and lament in sympathy with a god who has unfortunately suffered something imposed on him. As Nock points out, "In the Christian commemoration the only element of mourning is the thought that *men* have betrayed and murdered Jesus. His death is itself triumph." [82]

3. In all strata of Christian testimony concerning the resurrection of Jesus Christ, "everything is made to turn upon a dated experience of a historical Person," [83] whereas nothing in the Mysteries points to any attempt to undergird belief with historical evidence of the god's resurrection. The formulation of belief in Christ's resurrection on the third day was fixed prior to Paul's conversion (c. A.D. 30–36), as the choice of technical phraseology in I Cor. 15:3 indicates,[84] and was proclaimed openly as part of

[82] A. D. Nock, "A Note on the Resurrection," in Essays on the Trinity and the Incarnation, ed. A. E. J. Rawlinson (London, 1928), p. 48.

[83] The phrase is Nock's, ibid., p. 49. See also George C. Ring, S.J., "Christ's Resurrection and the Dying and Rising Gods," Catholic Biblical Quarterly, VI (1944), 216–229, and G. Bertram, "Auferstehung (des Kultgottes)," Reallexikon für Antike und Christentum, I (Stuttgart, 1950), 919–930.

[84] Of no little significance is Paul's choice of the pair of verbs with which he begins this account of the institution of the Lord's Supper, παρέλαβον and παρέδωκα. These correspond exactly to *qibbēl* and *māsar*, the *termini technici* with which Pirke Aboth, the heart of the Mishnah, opens ("Moses *received* the Torah from Sinai and *delivered* it to Joshua, and Joshua to the Elders, and the Elders to the Prophets, etc." 1, 1).

The fact that occasionally either παραδιδόναι and *tradere* or παραλαμβάνειν, *accipere*, and *percipere*, were used with reference to the Mysteries (for examples see Lobeck, op. cit., I, 39, note; Anrich, op. cit., p. 54, notes 4 and 5; Dieterich, Eine Mithrasliturgie, pp. 53 f.) cannot be supposed to throw significant light upon Paul's usage in I Cor. 11:23 (*pace* Eduard Norden, Agnostos Theos [Berlin, 1913], pp. 288 f.) in view of the facts that (1) no pagan example has been found

the general apostolic *kerygma* from the very earliest days of the Church, as the evidence in all strata of Acts makes abundantly clear.[85] Moreover, the proclamation of the Resurrection by the members of the Christian community at Jerusalem was not merely a means of confuting their opponents; it was the presupposition of their own communal life.

What shall be said of parallels to the tradition that the Resurrection of Christ took place "on the third day"? [86] The devotees of Attis commemorated his death on March 22, the Day of Blood, and his coming to life four days later, March 25, the Feast of Joy or *Hilaria*.[87] According to the Egyptian cult, the death of Osiris took place on the 17th of Athyr (a month corresponding to the period from October 28 to November 26), the finding and reanimation of his body in the night of the 19th. When Adonis rose is not certain, but the reconstruction of a papyrus text makes the third day probable.[88]

There is, however, no need to go so far afield as these beliefs to account for the Christian conviction that Jesus rose the third

---

which employs both verbs side by side, and (2) as a Rabbi trained at Jerusalem, Paul would not only have known *verbatim* the phraseology embedded in Aboth, but would have frequently heard the verbs used in the course of rabbinical debate.

[85] See C. H. Dodd, The Apostolic Preaching and Its Developments (London, 1936).

[86] Contrary to W. F. Albright's statement that in the Sumerian original of the epic of Inanna's Descent to the Nether World the goddess "is explicitly said to remain three days and three nights in the underworld" (From Stone Age to Christianity, 2nd ed. [Baltimore, 1946], pp. 341 f. note 81), a careful examination of the epic (conveniently edited by J. B. Pritchard, Ancient Near Eastern Texts [Princeton, 1950], pp. 52–57) indicates that it is "after three days and three nights had passed" (line 169) that Ninshubur, perceiving that his mistress, Inanna, has not returned from the Nether World, proceeds to make the rounds of the gods, lamenting before each of them in accord with a formula which Inanna had previously given him. Then Father Enki devises a plan to restore the goddess to life; he fashions two sexless creatures and instructs them to proceed to the Nether World and to sprinkle the "food of life" and the "water of life" upon Inanna's impaled body. This they do, and the goddess subsequently revives. The time of the reanimation is not disclosed, but doubtlessly the mythographer conceived it to be considerably later than the period of three days and three nights. On this point also see F. Nötscher, "Zur Auferstehung nach drei Tagen," Biblica, XXXV (1954), 313–319.

[87] Hepding thought that the reanimation of Attis was fixed in the night of the 24th, but the evidence for this is not certain (op. cit., pp. 165 ff.).

[88] Gustave Glotz, "Les fêtes d'Adonis sous Ptolémée II," Revue des études grecques, XXXIII (1920), 169–222, especially 213. Professor Nock calls to my attention P. Lambrechts's study in Annuaire de l'institut de philologie orientales et slaves, XIII (Brussels, 1953).

day. It was a widely prevalent belief among the Jews that the soul of a dead man hovered near the corpse for three days, hoping to return to the body, but that on the fourth day, when decomposition set in, the soul finally departed, a belief that seems to be reflected in Martha's comment regarding her brother Lazarus (John 11:39).[89] Moreover, apart from such parallels, it might be urged that the phrase "on the third day" or "after three days" occurs so often in the Old Testament with reference to the normal interval between two events in close succession that the dating of the Resurrection "on the third day" was both appropriate and inevitable.

Apart from these considerations, however, it remains a fact that the notation of the *third* day is so closely intertwined within all the New Testament accounts of Jesus' resurrection as to point to the conclusion that the Christian witnesses began to experience the resurrected presence of Jesus Christ on the third day after his crucifixion, and some thereupon recalled that he had promised on more than one occasion that, after his death, he would in three days rise again.[90]

4. Finally, Christianity and the Mystery cults differ in what may be called their views regarding the philosophy of history.

A. It is generally acknowledged that the rites of the Mysteries, which commemorate a dying and rising deity, represent the recurrence of the seasons and the vegetative cycle. In other words, these myths are the expression of ancient nature-symbolism; the spirit of vegetation dies every year and rises every year. According to popular expectation, the world-process will be indefinitely repeated, being a circular movement leading nowhere.

[89] Among many discussions of this belief, see especially Emil Freistedt, Altchristliche Totengedächtnistage und ihre Beziehung zum Jenseitsglauben und Totenkultus der Antike (Münster, 1928), pp. 53 ff.

[90] For an interesting suggestion why Jesus emphasized the importance of the third day after his death, see Sir Edwyn Hoskyns, The Fourth Gospel, 2nd ed. (London, 1947), pp. 199–200. Hoskyns points out that, according to customs of hospitality prevailing in the East, three days constitute a temporary habitation, and the fourth day implies permanent residence. When, therefore, in accord with Hosea's promise that the Lord had not permanently humiliated his people but would raise them up on the third day (Hosea 6:2), "it is said in the Gospels that Jesus emphasized the importance of the third day after His death, what is meant is that He assured to His disciples that death could not permanently engulf Him . . . He would be but a visitor to the dead, not a permanent resident in their midst" (Hoskyns, op. cit., p. 200).

For the Christian, on the other hand, as heir to the Hebraic view of history, the time-process comprises a series of unique events, and the most significant of these events was the death and resurrection of Jesus Christ. Unlike the recurrent death and reanimation of the cultic deities symbolizing the cycle of nature, for the Christians the importance of Jesus' work was related just to this "once-for-all" character of his death and resurrection.[91]

B. In another respect besides that of repetition, the Mysteries differ from Christianity's interpretation of history. The speculative myths of the cults lack entirely that reference to the spiritual and moral meaning of history which is inextricably involved in the experiences and triumph of Jesus Christ. In fact, not until the fourth century, when doubtless this stark contrast between the two became increasingly apparent to thoughtful pagans, is there any indication of an attempt to read moral values into certain cultic myths.[92]

. . . . .

The main purpose of this article has been to deal with problems of methodology and to raise questions regarding the correctness of certain assumptions which, in some circles, are generally accepted as valid. In order to be concrete, the discussion has necessarily involved certain beliefs and doctrines, but these, so far from being exhaustive, are to be regarded merely as selected examples. If any conclusions can be drawn from the preceding considerations of methodology, they must doubtless be, first, that the evidence requires that the investigator maintain a high degree of caution in evaluating the relation between the Mysteries and early Christianity; and, second, that, if a judgment may be hazarded, the central doctrines and rites of the primitive Church appear to lack genetic continuity with those of antecedent and contemporary pagan cults.

[91] It must not be supposed that the recurring annual festival of Easter belies what has just been said regarding the particularity of the Christian message. It has been proved that the celebration of Easter did not arise at once out of belief in the Resurrection, but developed later by gradual stages out of the Jewish Passover; see E. Schwartz, "Osterbetrachtungen," Zeitschrift für neutestamentliche Wissenschaft, VII (1906), 1–33.

[92] Notably the cult of Attis by Iamblichus as reported by Julian, Oration V, and by Sallustius, Concerning the Gods and the Universe, § iv.

COMMENTS ON TAYLOR'S COMMENTARY ON MARK [1]

MORTON SMITH
BROWN UNIVERSITY, PROVIDENCE, RHODE ISLAND

TAYLOR'S WORK will influence the study of Mk. for years to come. Therefore it deserves such detailed criticism as the following, which should be considered a tribute to the book's importance and to the great learning from which that importance derives. These, however, will be obvious to every reader; therefore this article is devoted to points which seemed to deserve correction rather than praise.

Mk. 1.1–8: No mention is made of the Christian propaganda against the followers of John (Acts 19.4). That propaganda represented John as a mere forerunner of the Messiah — either one so ignorant that he could not even recognize the real Messiah when he saw him (Mt. 11.2 ff. // Lk. 7.18 ff.) or else the inspired witness to Jesus' Messiahship (Lk. 1.41 &c., Mt. 3.14, Jn. 1.29 &c.). In the light of these passages Mk. 1.7–8 is clearly polemic (with 8 cf. Acts 19.2,5,6).

1.5: "The correct use of the two imperfects . . . illustrates a careful use of tenses." T. usually notes such instances of surprising "correct" usage. They are few enough to be notable, and it seems more likely that they show that some feeling for the proper forces of the tenses still guided even the careless.[2] If it could be established that Mk. was a careful writer, more significance might be attached to the details of his story.[3]

[1] V. Taylor, The Gospel according to St. Mark, London, 1952. Cited hereinafter as T. Citations not followed by page numbers come from T.'s notes to the vss. discussed. Citations in double quotation marks are those taken as points of departure for the comments following them.

[2] See also T.'s comments on 5.29, 31 f., 'The imperfect indicates a long and penetrating look.' (?)

[3] Cf. W. Knox, The Sources of the Synoptic Gospels, I, St. Mark, Cambridge, 1953, p. 1, 'His' (Mark's) 'style is merely that of a poor writer of Greek reproducing popular stories in a very bald and simple form, with a few tricks of writing which enable him to produce an effect of vivid narration.'

1.9–11: "The sense of Sonship and the anticipation of a Messianic destiny precede the crucial experience of baptism" (p. 618). Does this statement rest on an acceptance of the infancy legends and 'the Child among the Doctors'? If so, such acceptance discredits it; but if not, it has no historical basis. "That He accepted baptism like other penitents is excluded by the entire absence of the consciousness of sin in His personality, as it is revealed in the Gospels." (ib.) Even if the Gospels never represented Jesus as conscious of sin, their silence would prove nothing. On this point they could not be expected to have perfect information, nor to report it perfectly. On Mk. 10.18: 'Why do you call me good? No one is good but God alone.' T. (ad loc.) first argues that this cannot be 'an implicit acknowledgment of imperfection and sin' because 'this interpretation . . . is at variance with the entire Synoptic portraiture of Jesus.' (It is not at variance with the story of the baptism, nor with Mk. 14.36 & 38, and there is no single 'Synoptic portraiture of Jesus.') Next he draws a distinction: Jesus did not *acknowledge imperfection* (p. 426, col. b), he merely *disclaimed perfection* (p. 427, col. b). Mk. 14.36: 'Not what I want, but what you want.' and 38: 'The spirit is willing, but the flesh is weak.' are not mentioned by T. in relation to this question. The plain sense of the first would seem to be that Jesus was aware of at least a portion of his own will as opposed to the will of God; the probable sense of the second, that he located the source of the opposition in his physical desires. (It is not to be taken for granted that, because these two sayings apparently contradict later Christian dogma, they were therefore uttered by Jesus himself. On the contrary, it is possible — though the fact [4] of the baptism makes it hardly probable — that he may have thought himself sinless. Anyhow: 10.18 may have been invented by Jewish Christians who viewed with alarm the 'trend towards a higher Christology.' 14.36 and 38 are well designed to meet the

[4] That the early Church was embarrassed by the baptism is shown from its self-contradictory attempts to explain it (Mt.) and to suppress it (Jn.), as well as its self-contradictory propaganda against the Baptist (v.s. in 1.1–8). But we hear of no responsible attempt to deny the baptism. Therefore it must have been undeniable. This argument is judged conclusive by E. Percy, Die Botschaft Jesu, Lund, 1953 (Lunds Univ. Års. Avd. 1, 49.5) pp. 5 f.

Church's need for moral exhortation; they may have been invented for that purpose. The figure in the garden is not the *Deus absconditus* of T.'s 'Markan' theology,[5] but we cannot therefore conclude that it must be the historical Jesus — it may be Everyman.)

1.14: "In any case, Mark rightly fixes on the arrest of John as the decisive moment for the beginning of the ministry" (p. 165). From p. 145 it appears that this means 'the ministry in Galilee' as distinct from a prior ministry in Judea. Even so, there is no evidence for 'rightly' and some against it: According to Jn. 2.11 and 3.24 Jesus had revealed himself in Galilee before the imprisonment of the Baptist. Finally, as A. D. Nock pointed out to me, Mark's ἦλθεν does not fix the beginning of the ministry.

1.21–28: "The form of the narrative *precedes* that of the Miracle-story proper. In it we see a stage . . . nearer to the original eye-witnesses. . . . The narrative abounds in primitive features. No embarrassment is felt in recording a story of exorcism, such as led the Fourth Evangelist to exclude this type of narrative from his Gospel" (p. 171, T.'s italics). We do not know what led the Fourth Evangelist to exclude exorcisms from his Gospel, but there is no question that they became more fashionable as the first century went on, so the presence of stories about them is at least as likely to be a late feature as a 'primitive' one. "Jesus shares the ideas" about demoniac possession "of his time." (ib.) Since these ideas do not change for the next 1500 years they can hardly be used to prove the story 'primitive.' "But so far transcends them that by a commanding word alone, without the use of magical practices, He casts out the unclean spirit." (ib.) However, when he is represented as using magical means — e.g. barbarous words or spittle — T. takes these too as proof that the stories where they occur are 'taken from life' (p. 352); see his comments Mk. 5.41; 7.31–7 and 8.22–6. Now every miracle must be done with or without magical means. Therefore every story of Jesus' miracles must, by T.'s criteria, be 'primitive' or, at very least, derive 'from primi-

[5] T. p. 143.

tive testimony' (p. 226). And, indeed, every one is or does [6] — except one. Which? The miracle of the fig tree. But this (Mk. 11.12 ff., 20–5) abounds with the sort of details which T. elsewhere [7] takes as proof of eye-witness tradition: It is precisely located in space and time; it contains a place name and leads to dialogue with a named interlocutor — who is Peter, so the story has better claim to be Petrine tradition than most of those T. accepts as such; its picture of Jesus is peculiarly 'primitive' in representing him as subject to ignorance, surprise and disappointment; finally, 'the form of the narrative precedes that of the Miracle-story proper' in which the fig tree would certainly have been blasted at the moment of the curse — Mt. alters the story accordingly. What, then, was the indubitable, objective criterion which forced T. to single out this one alone, of all Mk.'s stories of Jesus' miracles, as not basically 'primitive'? 'The strongest objection will always be that the action is not worthy to be assigned to Jesus' (p. 459). But to return to the 'primitive'

[6] (Unless otherwise specified, the quotations in this note come from T.'s introductions to the sections concerned.) 1.21–8 is 'primitive,' 29–31 & 32–34 are 'Petrine,' 40–45 'preserves the rugged form of early testimony'; 2.1–12 (or, at least, the miraculous part of it) depends 'on primitive tradition'; 3.1–6 is 'based on reminiscence,' 7–12 'was compiled from primitive testimony'; 4.35–41 'belongs to the best tradition, probably that of an eyewitness, and presumably Peter'; 5.1–20 is 'nearer the record of an eyewitness' than the 'rounded form which Miracle-stories possess'; 21–4 & 35–43 is 'a record based on personal testimony,' 25–34 'rests on excellent tradition' and its connection with its present frame is 'historical'; 6.35–44 'has not yet attained the rounded form of a Miracle-story proper and stands nearer the testimony of eyewitnesses,' 45–52 is an account 'of actual events remembered'; 7.24–30 is 'primitive,' 31–7 'is taken from life'; 8.1–10 is a doublet of 6.35–44 (p. 630), 22–6 is 'genuine' and 'its realism shows it to be anything but a product of invention.' Not only did Jesus prophesy his passion, but the different stories in which Mk. tells of his doing so are reports of distinct recollections of correspondingly different particular occasions (v. inf. in 8.31). 9.2–8 is an account of 'actual experience,' 14–29 goes back 'to actual recollection and history'; 10.46–52 because of its 'detail and vividness' is 'drawn from good Jerusalem tradition'; 11.1–10 is the record of an 'eyewitness' and 14.12–16 is just as good; 14.17–21 is 'historical,' 26–31 depends 'ultimately on Petrine testimony.' A survey of the introductions to these sections would show that most of T.'s estimates were based on nothing more than 'vivid' details. These details become evident when any Markan story is contrasted with 'the rounded form of a Miracle-story proper' — a form which T. never accurately defines, and which none of the Markan stories possesses. The details revealed by such contrast are almost never late additions; they regularly show that the stories in which they occur have not yet attained the ultimate rotundity.

[7] E.g. his comments in 5.21 ff. (inf.), or his introduction to 10.46–52, or his arguments for the historicity of the sending for the colt (p. 452).

features of 1.21–8: Jesus "Himself is the subject of the story" (p. 171). So he is of the apocryphal gospels. "His teaching and accent of authority, the supernatural aura of His person" (ib.) &c. The supernatural aura of his person did not decrease in later tradition. As for his teaching with authority, that is most suspicious of all. What could this have meant to Galilean Jews? T. thinks they thought him a prophet. But *ἐξουσία*, if it translated a Jewish expression, would presumably translate רשותא [8] and I cannot recall any instance from the Tannaïtic period or even later when a prophet is spoken of as having or prophesying by רשותא.[9] Certainly the saying is one of the most difficult of those in Mk. to adjust to the background of Palestinian Judaism. But by the time Mk. was written, Jesus' reported teaching was being appealed to, in Christian disputes, as a final authority.[10] Hence a Christian would form exactly the notion expressed in Mk. 1.22 of what should have been the difference between Jesus' teaching and that of the Rabbis.

1.41: (He touched the leper.) "Special interest is taken in Mk. in the fact that Jesus touched sufferers . . . or that they touched Him." This is well observed, but it should also be noted that Mk. never mentions the legal consequences (the impurity) which might follow such contact. The silence is particularly remarkable here, where Jesus touches a leper, and in 5.30, where he is touched by a woman with an issue. (Is it possible that, in the original form of the latter story, the power went out of him, not to heal, but because he had become unclean?) It is hard to believe that a community which stood close to rabbinic Judaism could have avoided saying things Mk. does not say.

2.5: The introduction to the section supposes that two stories

[8] The other possibility, שלטונא, is more specifically political and even less appropriate. R. Bultmann's objections to the equivalence *ἐξουσία*-רשותא (Gnosis, JTS, NS 3 (1952) 20 f.) are applicable only to the usage in Paul's Corinthian correspondence.

[9] There is, of course, no question that the prophets claimed to be sent by God, nor that this claim was in its nature a claim to authority. The question is: Was it customary to speak of prophets as 'having authority,' 'prophesying by authority,' or the like? The answer to this question is, No.

[10] Already in I Cor. 7.10.

have been combined, but the commentary says, "The reference to forgiveness at a point where one expects the word of healing is abrupt. The inference seems justified that Jesus traced the man's plight to sin and believed that his spiritual restoration was a primary and indispensable condition to recovery." Such a contradiction in an ancient document would lead one to suspect composite authorship and to designate the first author as 'the critic,' the second as 'the moralist.' This is not to say that the critic must be right. Both may be wrong. That they are is suggested by the peculiarities of the *Streitgespräche* in which this story occurs. They have many points of contact with Jn. For instance, they contain the only passages in Mk. (2.10 & 28) in which Jesus prior to his trial is represented as using 'the Son of Man' publicly with apparent reference to himself. (In 8.38 the phrasing is such as to make the hearers think he is speaking of someone else.) In Jn. Jesus uses the term of himself publicly and frequently (v. esp. chs. 5 & 6 and 12.23–34). Other points of contact are Jesus' supernatural knowledge of men's hearts (Mk. 2.8 // Jn. 2.24 f.), his command to the paralytic (Mk. 2.11 // Jn. 5.8), the bridegroom metaphor (Mk. 2.19 // Jn. 3.29) and above all the use of miracles as a proof of his divine commission (Mk. 2.10, cf. Jn. 5.36 &c.[11]) and the early plot against Jesus' life motivated by his healing on the Sabbath (Mk. 3.6 // Jn. 5.16 ff.). Now two characteristics of Jn.'s style are sudden change of subject and use of apparent *non sequitur*. Using a miracle to break off an argument is just what one would expect of a source with other Johannine traits. Therefore its occurrence here need not be explained by the hypothesis that two stories have been combined. But if it is a Johannine trait, what lies behind it is probably allegory or deliberate Johannine obfuscation, not psychological diagnosis. John's Jesus did not trace all afflictions to sin (Jn. 9.3).

2.17b: "Larger considerations, however, determine the historical character of this saying." ('I came not to call the righteous.') "Its spirit is the spirit of Jesus." I should suppose that one

[11] Noted by B. Easton, A Primitive Tradition in Mark, in Studies in Early Christianity, ed. S. Case, N. Y., 1928, p. 96.

would have to determine the historical character of the sayings attributed to Jesus *before* one could be sure about his 'spirit.' "The story does not stand alone. Along with it go the Lukan stories of the Woman in the City . . . and Zacchaeus . . . and, above all, the saying preserved in Q: 'Behold, a gluttonous man, and a winebibber, a friend of taxgatherers and sinners.' " Q (Lk. 7.34 // Mt. 11.19) puts this saying in the mouth of Jesus' enemies, to discredit them — it was just the sort of thing they would say and it was just as false as the charge that John the Baptist was crazy. The saying tagged onto the Zacchaeus story (Lk. 19.10) is an anti-climactic gloss. But nevertheless, as T. says, Mk. 2.17b does not stand alone. The same theory appears in the Q story of the lost sheep, and in Lk. not only in 'the woman in the city' (i.e. the Lukan anointing), but also in the lost coin, the prodigal son, and the two prayers (18.10 ff.). Does such support strengthen the case for its authenticity, or merely suggest that it was useful for apologetic purposes? The latter, I think. Multiple attestation, especially when accompanied by a large variety of homiletic development, does not *prove* the originality of the material. What it does *prove* is a general need for the material. Such need might well have led to invention.[12] In this case, moreover, there is a clear sequence: Either Jesus associated with sinners or subsequent missionaries did so and fathered the practice on him; in either event the obvious excuse was concern for their salvation; this led to vigorous assertion that their salvation was important; the heat of controversy led to the improbable statements that the repentance of one sinner was more pleasing to God than the salvation of ninety-nine righteous and that Jesus came not to save the righteous, but sinners; these statements, in turn, were justified by the argument that sin was the prerequisite of repentance, repentance of forgiveness, and forgiveness of love, so the more sins you had committed the more you could love God. This is the avoided conclusion of the Lukan anointing (7.36 ff.; notice the *non sequitur*, beginning in 44, of the present form). An earlier form of this story was

[12] This principle should be applied in many instances where T. has attempted to defend the authenticity of Markan sayings by reference to their accord with sayings attributed to Jesus in later strata of the Synoptics, e.g. p. 212, the use of Mt. 6.16 to bolster Mk. 2.20.

probably produced under Paul's influence, for Paul used the same line of argument to justify the existence of the Law: When his opponents objected that, if his theory of salvation were true, the Law was useless, he resorted to this (current?) glorification of sin and argued that the existence of a law is a prerequisite for transgression (Rom. 4.15), transgression (i.e. sin) is (by the reasoning above) prerequisite for salvation, so the Law came in that sin might abound, that grace might superabound (Rom. 5.20 f.) — a theory which may well have encouraged superabundant transgression in some of the Pauline communities (Rom. 6.1; I Cor. 5.2; Gal. 5.13 ff.). Now in this chain of arguments Mk. 2.17b (I came not to call the righteous, but sinners) occupies a definite place in an order of sequence. That place is not the first. The saying cannot have been coined until there was dispute as to whether or not one should try to save the sinners, and dispute sufficiently hot to lead to violent exaggeration. Indeed, the saying probably represents the abuse which followed when the dispute had broken off, when most Jews had definitely rejected the Gospel and many Christians were beginning to explain that Christ did not come to call *them*, anyhow (cf. Rom. 9.6 ff.). I doubt that this was 'the spirit of Jesus.'

2.23: "This reference to growing corn is the only clear indication in the Synoptic Gospels (cf. vi.39) that the Ministry covered at least a year. The incident must have happened in the few weeks after Passover." It could equally well have happened in the few weeks before. Passover is the official beginning of harvest, but corn is ripe sometime earlier in sheltered places, not to mention the Jordan valley. In his note on 'the green grass' of 6.39, T. thinks it could be green as late as July, but it could also be green as early as November. So there is no clear indication in the Synoptics that the ministry covered a full year.

4.4: Torrey's supposition [13] that *παρὰ τὴν ὁδόν* is a mistranslation rests on a false notion of ancient country roads. Torrey

[13] C. Torrey, Our Translated Gospels, N. Y., 1936, p. 9; M. Black, An Aramaic Approach &c., Oxford, 1946, p. 120, follows Torrey; T. follows them.

thinks of a New England, hard-surfaced road, with grass growing right up to the edge of the hard surface, so he argues that unless the seed fell on the road the birds would not find it. But in the ancient world a country road was usually a dirt track so worn by water and strewn with loose stones that everybody walked along it rather than on it, and the area trodden bare might extend for as much as six feet on either side.

4.11: "In the NT, and especially in the Pauline Epp., it" (*μυστήριον*) "means an 'open secret' made known by God, and is used of the Gospel, or the inclusion of the Gentiles. There is no case in which it connotes secret rites or esoteric knowledge communicated to 'initiates.' In the present passage and its parallels, it is used of a knowledge concerning the Kingdom of God which has been imparted to the disciples, but not to the people in general." This looks self-contradictory, but perhaps T. intended to distinguish between 'the disciples' and 'initiates,' or some word such as 'Elsewhere' should be understood before the first sentence. However, the secrets to which *μυστήριον* refers in the rest of the NT are not always 'open,' e.g. I Cor. 2.6 f. (cf. 3.1–3); Col. 2.2; Eph. 5.32. In I Cor. Paul says plainly that there is a wisdom which he preaches among the 'initiate' (*τελείοις*), but which he cannot yet preach to the Corinthians because they are still 'carnal.' Paul, therefore, claimed to have a secret doctrine. As for Jesus, Mark, of course, represents him as teaching in secret and commanding secrecy on many occasions. The worst error of the 'Messianic secret' theories — as Cadbury has remarked [14] — was that they tried to explain all or most of these occasions by reference to a single motive. Actually, the early Church had a wide variety of motives for attributing secret doctrine to Jesus, and among them may well have been the recollection that Jesus (also for a wide variety of motives) practiced secrecy. Every such attribution, therefore, must be judged individually. Mk. 4.11–12 is probably an answer to Jewish polemic. The Jews are saying, 'Jesus was not the Messiah, because if he had been he would have been recognized by our scholars. He was

[14] H. Cadbury, Mixed Motives in the Gospels, Proc. Am. Phil. Soc., 95(1951) 117 f. esp. 119–20.

heard and rejected.' The Christian answer is, 'They never heard his true teaching. He revealed the mysteries of the Kingdom only to his disciples; for outsiders he had only parables. Thus he fulfilled God's command to prevent the Jews from believing.' T.'s attempt to escape this interpretation depends on a misunderstanding of Is. 6.9 f.: 'Go . . . Make the heart of this people fat . . . lest they . . . understand . . . and turn again and be healed.' T. comments (in Mk. 4.12), 'This use of a command to express a result is typically Semitic.' More typically Semitic is the use of a command to express a command. Further, in Biblical Hebrew the imperative is not normally used to express a result *unless* subordinated by *waw* copulative to a prior verb. 'Make the heart of this people fat' is not so subordinated and clearly expresses not result, but purpose (as proved by the following 'lest' and correctly understood by RSV). The attribution of such purpose to God is not surprising in a literary tradition which dwells on the thought that God hardened Pharaoh's heart (Ex. 4.21; 9.12; 10.20,27; 11.10; 14.4,8,17), records that God sent the Spirit to deceive Ahab (I K 22.22), charges God with causing Israel to sin (Is. 63.17; 64.4, Heb., RSV 5), and concludes with Paul that God, 'wishing to show his wrath and to make known his power' has created some men — i.e. the Jews who rejected Jesus — as 'vessels of wrath made for destruction' (Rom. 9.22). This is the tradition represented in Mk. 4.12 and it makes unlikely T.'s belief that in 4.11 (to those without all things are in parables) the 'parables' orginally meant riddles and the statement as a whole meant, 'In spite of all I do to make myself clear, it's Greek to them.' In sum, T. has had to suppose a double misunderstanding by Mk., first of the term 'parables,' which meant 'riddles' but which he misapplied to Jesus' parabolic teaching (intended, not to conceal anything, but 'to elucidate His message by prompting reflection,' p. 255), next of 'the Semitic telic idiom in Isa. vi.10' (p. 258), which he translated as an expression of purpose. And T. has had to suppose this double misunderstanding, not because the text of Mk. is obscure (for it is reasonably clear), nor because it expresses an idea incompatible with its tradition or environment (for the idea had appeared frequently in the Bible and was used by Paul and John

(12.37 ff.)), but because it contradicts modern notions of what Jesus should have done. Again in the case of Mk.'s conclusion to the parables (4.33 f.), T.'s attempt to escape the obvious meaning misses the point of the passage. He says truly (ad loc.) that the parables were not 'spoken only for the multitudes' — the disciples also heard them. But the point is that only parables were spoken for the multitudes — only the disciples got the explanations. So the theory is similar to that in 4.11, but the motive differs. In 4.11 f. the concern is to explain the rejection by the Jews, in 4.34, to discredit outside teachers and justify the disciples' claim to a monopoly of the true, secret doctrine. Therefore τοῖς ἰδίοις μαθηταῖς means — as T. recognizes — 'to his *own* disciples'; cf. Clementine Homilies II.37 and XVII.1, where St. Peter is planting spies in the circle of Simon Magus' disciples, to learn what Simon's doctrines really are and what arguments he intends to use in his next debate. Jesus might have had good reason to limit some of his teachings to a hand-picked group (Jn. 6.70), especially since one of that group eventually did betray him. Recognition of the motives served by the stories in their present forms is no proof that the stories were invented to serve these motives. Whether or not Jesus intended the parables to conceal the true purport of his teaching, there has certainly been enough disagreement about their meaning to make defensible the opinion that they are deliberately obscure.

4.26–9: "There is no good reason to suppose . . . that Matthew has rewritten the Markan parable, but his vocabulary in the parable of the Tares (cf. καθεύδω, βλαστάνω, πρῶτον, χόρτος, σῖτος, καρπός, θερισμός) shows that he was familiar with it" (p. 265). He may well have been familiar with it, but familiarity is not demonstrable from the fact that in telling a different story about a different crop he uses the same agricultural vocabulary (and καθεύδω and πρῶτον). What other words was he to use? Similar overemphasis on verbal coincidence picks out the agreement of the loaves story with the eucharist (6.41 & 14.22) because of λαβών . . . ἄρτους . . . εὐλόγησεν . . . (κατ)ἔκλασεν . . . ἐδίδου (p. 324), a sequence of words almost inevitable if the opening of a normal Jewish meal is to be described. (At

most k's ἔφαγον πάντες in 14.22 may show early exegetic exploitation of the similarity.) Again T.'s introduction to 8.22–6 takes the verbal parallelism to 7.32–7 not merely as an example of 'the admitted tendency of Mark to repeat himself and . . . the ease with which popular narratives assume fixed forms in oral tradition' (p. 369), but as a deliberate cross-reference to the earlier story.

4.38: The disciples' sharp question, 'Don't you care that we're sinking?' is taken as a 'vivid' (p. 272) and therefore primitive detail. But, like the other impertinences of the disciples (5.31; 6.37; 8.4), it depends for effect on the reader's knowledge of what Jesus really is; cf. the impertinences of the lesser characters to the disguised Khalif in the Arabian Nights. Folk-literature is fond of dramatic irony and quite capable of inventing it.

5.21–24,35–43: The raising of the daughter of Jairus is "a record based on personal testimony. In this way only can we account for its distinctive characteristics: the vivid portraiture of Jairus" (p. 285: There is no portraiture at all. T. tries to see it in vs. 22, but can only remark, ad loc., 'In the greatness of his distress he casts aside his dignity and falls at the feet of Jesus.' This is not portraiture, but pure convention, see προσπίπτω, 3.11; 5.33; 7.25 and προσκυνέω, 5.6, also παρακαλέω, 1.40; 5.10, 12,17,18; 6.56; 7.32; 8.22.) "and his agonized cry for help" (also conventional, cf. 7.32; 8.22; 16.18) "the incident of the woman on the way to the house" (probably added from some other source, as Lohmeyer [15] remarked; it shows a number of good Greek constructions, while the story of Jairus' daughter is written in a style altogether Semitic) &c. T. thinks the interruption by the woman happened as told, especially because of 'while he was still speaking' in vs. 35. "In view of the comparative absence of connecting-links of this kind in Mk, it is reasonable to infer that the connexion is historical" (p. 289). But, granting that the final redactor of Mk. did not usually invent connections, it does not follow that he never did, still less that no splicing took place before the material reached his hands.

[15] E. Lohmeyer, Das Evangelium des Markus, Leipzig, 1931, in loc.

5.42: "The use of the finite verb with the dat. of the cognate noun is a 'Septuagintalism' . . . We are entitled to conclude that Mark is using a Palestinian source." But Palestine was probably that area of the Roman Empire where Jews read the Septuagint least.

6.5: "This passage is one of the boldest statements in the Gospels, since it mentions something that Jesus could not do" (cure in his home town). But it is a notion frequently found in rabbinic literature: God cannot do miracles except for those who deserve them, e.g. Mekhilta on Ex. 12.6: God could not deliver Israel from Egypt till they had done something to deserve it, so he gave them the Passover commandments and set the selection of the Passover victim four days ahead of the feast (which was to be the date of the deliverance), 'because pay is not given except on account of practice.' To this type of thought, faith is one form of practice — it is a good work which makes the one who performs it deservant of divine favors such as miracles. Thus Mekhilta on Ex. 15.1 (end, בשלח): 'Israel were not delivered from Egypt except in pay for faith.' So 6.5, which says Jesus could do no miracle in his village, is probably explained by 6.6, 'and he marvelled because of their disbelief.' [16] Like 6.4, the saying may have been used for sermons which saw Jesus' rejection in his village as the prototype of Christianity's rejection by the Jews. Why were they not converted by miracle? Because they did not deserve it. And why did they not deserve it? Because of their unbelief. It is only a timid preacher who can be frightened by a vicious circle.

6.6b–13: "The narrative itself" (of the sending out of the

[16] Cf. inf. in 8.1–26, the note on Jesus' refusal to give a sign. See also Taanith 18b. This explanation of the story was suggested by R. Bultmann (Die Geschichte der synoptischen Tradition, 2nd ed., Göttingen, 1931, p. 31). W. Knox (The Sources of the Synoptic Gospels, I, St. Mark, Cambridge, 1953, p. 47) objects: "It is clear that Matthew understood *οὐκ ἐδύνατο* as meaning real inability . . . and modified it accordingly." But Matthew can hardly have believed that Mk. contained evidence of Jesus' inability to perform miracles, so his modification must be understood, not as a deliberate suppression of such evidence, nor even as a correction of Mark's 'error,' but as a change of phrasing designed to eliminate an expression he thought likely to be misunderstood. (The history of the criticism of the passage has justified his opinion.)

twelve) "is redactional. . . . Mark has no real appreciation of the immense importance of the event. . . . He does not tell us what the issue is. He records that the Twelve went out to preach, but does not relate their message apart from the phrase ἵνα μετανοῶσιν, and he has only vague ideas concerning their experiences and the results of the Mission" (p. 302). True, and these facts make it difficult to believe that Mk. was so intimate with Peter as T. makes out — cf. p. 30: 'In the earliest Jerusalem days' (when Peter was frequenting Mark's mother's house) 'Mark heard the Apostle tell of the events of the ministry and death of Jesus,' and he later became his disciple and interpreter in Rome. Yet he not only knows nothing about the preaching adventures of the twelve, but does not even realize the importance of their mission to the course of events in Jesus' life. Although arguments from silence are always shaky, nevertheless it is necessary, in estimating the reliability of a tradition, not only to look for little, lifelike details, but also to notice major misunderstandings, errors, and the things which the author does not know. However, the tradition which governed the ordering of events in this part of Mk. may have been more reliable than T. believes. He starts a new section with 6.14 and comments (p. 95), 'The Rejection at Nazareth . . . the Mission Charge to the Twelve . . . Herod's Fears, and . . . the account of the Death of the Baptist . . . do not form a complex, for there are no connecting links and there is no common theme.' Connecting links are usually absent in rabbinic literature, so their absence here is not of certain significance. And the events related have, if not a common theme, at least a plausible sequence: Rejected at home, Jesus might well send out the disciples to prospect for friendlier villages. Such missionary activity would bring his name to Herod's ears. If Herod's execution of John was motivated, as Josephus says it was (Ant. 18.118), by fear of a rising, then the knowledge that a former disciple of John's was sending preachers about the countryside would have been just the thing to touch it off. It would also have motivated Herod's plan to kill Jesus. Jesus' reported courage [17] may well have been sobered by the arrival of John's

[17] Lk. 13.32 f., admired by T., p. 308, but the saying has the calm confidence of a *vaticinium ex eventu*.

followers, from his obsequies (Mt. 14.12), and the return of the disciples with nothing much to report (Mk. 6.30). It would then be understandable that Jesus should take to the open country for a little rest (6.31). It is equally understandable that 'Mark himself does not represent the movements of Jesus as a flight from Herod' (p. 308). Mk. was remote from the historical situation, his interests were those of the Church of his day, and whatever did not serve those interests — e.g., whatever historical framework his sources may have contained — was just what he would leave out as uninteresting, even if he did not deliberately censor it.

6.15: "The phrase προφήτης ὡς εἷς τῶν προφητῶν . . . means 'a prophet like one of the (old) prophets' (cf. Judg. xvi.7,11, καὶ ἔσομαι ὡς εἷς τῶν ἀνθρώπων). Luke interprets it to mean one of the ancient prophets restored to life . . . (ix.8)." Lk. is wrong. Samson did not say, 'I shall be like one of the men (of old),' but, 'I shall be like an ordinary man.' This is the regular meaning of the idiom. The meaning in Mk. is 'an ordinary prophet' — i.e. one whose coming is not a portent of the End, by contrast with Elijah, who has just been mentioned.

6.17–29: Apropos of the death of the Baptist, T. remarks, "the fidelity of Mark's narrative to the shrewd but vacillating character of Herod, 'that fox' (Lk. xiii.31)" (p. 311, for 31 read 32). Mk.'s Antipas, caught by the oldest trick in folk-lore, was not shrewd, and the real Antipas was not vacillating, cf. A. H. M. Jones' estimate of his character as marked especially by 'firmness.'[18] On other difficulties raised by the story, T.'s own commentary is related to his introduction in a way reminiscent of the head of Janus: *Introduction*, p. 311: 'It has yet to be proved that the wronged husband resident at Rome was not called Philip.' *Commentary*, p. 312: 'The view that this Herod also bore the name of Philip is not impossible . . . but it is not attested and looks like an attempt to reconcile the statements in Mk and Josephus.' *Introduction*, p. 311: 'Mark . . . does not actually name the place, and excellent commentators have not

[18] The Herods of Judea, Oxford, 1938, p. 176.

thought it impossible to locate the incident in the palace of Machaerus.' *Commentary*, p. 314: 'While the presence of these guests at Machaerus is not impossible, they are more naturally associated with the court at Tiberias.'

6.35–44: "Eschatological sacraments" (here the feeding of the 5,000) "may well have preceded the Last Supper. If this view is accepted, the multiplication of bread is a materialization of the original tradition at a time when the true nature of the event had not unnaturally become obscure" (p. 321). This drew an admirably just comment from C. F. D. Moule,[19] 'The suggestion that the great feedings were originally eschatological sacraments and yet were so far misunderstood (although used in a eucharistic context by a highly eschatologically minded Evangelist) as to have been hopelessly distorted sounds self-contradictory.' The self-contradiction is heightened by T.'s insistence that the tale "has not yet attained the rounded form of a Miracle-story proper and stands nearer the testimony of eyewitnesses" (ib.) — who fundamentally misunderstood what happened. This objection applies to T.'s treatment of all the major miracle stories. As already noted, 'vivid details' lead him to conclude that every Markan story of Jesus' miracles (except the blasting of the fig-tree) is told from eye-witness tradition. At the same time, he will not admit that any of the major miracles happened: Jesus did not walk on the sea, but waded through the surf by the shore (p. 327); his apparent cure of the Syro-Phoenician's daughter (p. 348) and his apparent stilling of the storm (p. 273) were providential coincidences ('brilliant timing,' Moule, ib.); and so on. So Mk.'s 'narrative is everywhere credible' (p. 318) as to everything but what Mk. meant to narrate. Clearly, this position is the product, not of criticism, but of the conflict of two apologetic techniques — to defend Mk. directly by accepting his stories, and to defend him indirectly by getting rid of his miracles.

7.1 f: "κοινός . . . is used in the NT in the Hebraistic sense of 'profane,' 'unclean.' " 'Profane' and 'unclean' are not one 'Hebraistic' sense, but two. In Jewish thought they are sharply dis-

[19] JTS, NS 4 (1953) 72.

tinct. κοινός would seem to translate the Heb. חול, Aram. חולא, i.e. 'profane, not hallowed,' but the Markan explanation, τοῦτ' ἔστιν ἀνίπτοις seems, at first sight, to equate it with 'unclean,' טמא. The normal sense of טמא fits the story; the normal sense of חול does not. The explanation [20] is that κοινός here [21] translates סתם, meaning 'as is,' viz., neither certainly impure nor certainly pure. The accuracy of this translation distinguishes this pericope. It shows knowledge of, and hostility to, fine points of rabbinical law. In most other sections of Mk. purity questions are simply ignored.[22]

7.24–8.26: This section "was planned to meet the needs of Gentile readers. The Evangelist wanted to show that the interest of Jesus was not confined to Jews. . . . In the narrative of the Syro-Phoenician Woman the place of Gentiles in the mission of Jesus is adumbrated in the words, 'Let the children *first* be filled' " (p. 633, T.'s italics). These words, if taken to refer to 'the mission to the Gentiles' would prohibit its inception until the conversion of the Jews. The story as a whole could, at most, justify immediate, albeit contemptuous, acceptance of Gentile postulants, never a 'mission to the Gentiles.' But to suppose the story refers to such a mission is gratuitous and unlikely. If it had such reference it would be an answer to the question, Can Gentiles be accepted as converts at all? But a negative answer to this question would contradict both Biblical authority and

[20] This explanation I owe to Prof. Saul Lieberman.

[21] As in Acts 10.14,28; 11.8 and prb. in Rom. 14.14; Heb. 10.29(?) and Rev. 21.27.

[22] V.s. in 1.41. This paragraph summarizes the discussion of the question in my Tannaïtic Parallels to the Gospels, Philadelphia, 1951 (JBL Monograph Series, VI) p. 32. Let me take this opportunity to correct the statement of S. Zeitlin, in his review of the same in JQR 43 (1952–3) 196 ff. He there (pp. 198–9) attributes to me a conjecture which I expressly repudiated (that κοινός 'served as an abbreviation for' עשוי לטהרת חולין) and then, without noticing the explanation actually given, proceeds to a conjecture of his own, that κοινός translates מסואב. But this wholly misses the point, for מסואב definitely means 'unclean, filthy, blemished, unfit for sacrifice.' There is no reason why anybody should translate it by κοινός (for words like ἀκάθαρτος were readily available) and Zeitlin gives no example of such translation. In fact, when he himself translates the Greek of the text, he has to translate κοινός by 'common' and to put the translation of his supposed equivalent, מסואב, 'unclean,' in brackets after it, as an explanation. The problem is to find some Hebrew word which could mean at least 'not certainly clean' and could be translated by κοινός. That word is סתם.

the Jewish practice of proselytism. Therefore it is not likely that Christians ever thought of denying that Gentiles could be accepted as converts. Certainly the NT contains no clear evidence of any dispute on the matter (cf. inf. in 16.15). Therefore it seems more likely that the story of the Syro-Phoenician is a miracle story adapted to justify the admission of Gentile converts (whose observance of the law was dubious) to the reception of the same bread (communion? or charity?), though not yet to the use of the same table, as Jewish Christians; cf. Acts 6; Gal. 2.12 and Paul's frequent insistence that all be alike. "The feeding of the Four Thousand is a sign to Gentiles in contrast with the Feeding of the Five Thousand which is a sign to Jews" (p. 633). The evidence offered for this is on p. 357:[23] 'The narrative is loosely connected with vii.24–37 by *ἐν ἐκείναις ταῖς ἡμέραις*, a vague phrase which implies that the Evangelist lacked precise information. It may reasonably be inferred that he intends to locate the incident in the Decapolis' — where 7.31 *perhaps* left Jesus — 'and to associate it with Gentiles.' It may better be inferred that he intends to say, 'This story has no close connection with what precedes nor with anything else; it is just a stray story of a miracle probably performed in the North.' Furthermore, the location of the story in the Decapolis — or in Galilee — would prove nothing as to the participants. The Decapolis was full of Jews,[24] as Galilee of Gentiles,[25] and already in 3.8 Mark had Jesus followed by crowds from Trans-Jordan and the Tyrian territory.

[23] This notion, and the supporting argument from location, are found in B. Bacon, The Gospel of Mark, New Haven, 1925, pp. 162–4. To this T. refers on p. 357 and also to A. Rawlinson, The Gospel According to St. Mark, 7th ed., London, 1949, p. 86. Rawlinson only says, 'it appears not impossible that there may be some truth' in Bacon's notion, but Bacon adds, to the argument from location, this: The miracle must be for the Gentiles because Mk. intended to represent Jesus as having finally broken with the Jews by his sayings on purity in 7.1–23. This is untenable in the face of Mk. 12.28–34 (the saying on the great commandment). But quite apart from such specific objections, all such theories are improbable because they rest on the supposition that Mk. was an extremely careful writer, a master of indirection, who hid his message in hints and parallelisms and allegories. On the contrary, Mark is unquestionably folk-literature and lower-middle-class religious propaganda; it has no indirection whatever and its composition is slipshod.

[24] 13,000 in Scythopolis, Josephus, War II.468; 10,500 in Damascus, ib. 561; colonies in Hippos, Gadara, Gerasa and the other cities, ib. 478, 480.

[25] Mt. 4.15. Josephus, Life, 30 & 67.

8.1–26: "The compiler has in mind a community . . . which had failed to understand the significance of the Eucharist. In these circumstances he tells the story of the Feeding of the Four Thousand and the events that followed. While, of old, no sign had been given to the Pharisees, the disciples had received the sign of the loaves. . . . Preoccupied with material cares, they had not understood. . . . But . . . Jesus was still the Giver of Light. Not once, but twice, had He laid His hands on a blind man near Bethsaida. . . . So it would be again" (p. 97). That the feeding was of symbolic significance is a notion peculiar to Jn. If Mk. shared this notion why did he not indicate it in his two stories of the feeding? In those stories the only possible hint of such significance is the appearance of a string of verbs found also in the story of the last supper (cf. sup. on 4.26–9). But this appearance is probably due to the fact that both are stories of meals and most Jewish meals begin with the same essential actions. The notion that Mk. writes this second account to instruct a community 'which had failed to understand the significance of the Eucharist' and then himself fails to explain that significance, is incredible. Further, the point of 11–13 is not that 'the disciples' — as opposed to the Pharisees — 'had received the sign of the loaves,' but that no sign at all will be given to this generation (in which, presumably, the disciples are included).[26]

[26] Jesus' failure to produce a sign of his Messiahship was evidently one of the strong points of Jewish polemic, cf. I Cor. 1.22. The Gospel answers to it are numerous and self-contradictory: In Lk. 11.16 f. the demand is left unanswered because, the verse suggests, they were tempting him, and everybody knows God is not to be tempted: Dt. 6.16; Mt. 4.7//Lk. 4.12. In Mk. 8.12 Jesus, without giving any reason, simply says that no sign shall be given to that generation. In Mt. 12.39 and 16.4 and Lk. 11.29 he says the generation is wicked and adulterous and — implicitly, *therefore* (cf. sup. on 6.5) — no sign will be given it *except* that of Jonah. In Jn. he gives signs frequently (2.11; 3.2; 4.54; 6.2; 7.31; 9.16; 11.47; 12.18,37), but when he is asked point blank, 'What sign do you show us?' the answer is first a challenge not apt to be taken (2.18 f.: Destroy this temple and in three days I shall raise it up.), later an evasion of the question (6.30 ff.). Such a body of apologetic material suggests that 'sign' cannot mean simply 'miracle.' Jesus almost certainly did perform 'miracles' of healing and even his enemies admitted he cast out demons (by Beelzebub). Therefore 'sign' must mean a miracle of some special sort which would prove that the person who performed it was the Messiah, and it appears that even for his followers Jesus did no 'sign' during his lifetime. His opponents knew this and made the most of it. His followers attempted first to explain the fact by abusing his opponents, then to prove it unimportant by appealing to his resurrection, and finally to deny it by exaggerating his miracles. They may also have tried to con-

Again, the notion that Mk. understood the feeding as a type of the eucharist forces T. to suppose that Mk. has misunderstood the saying about the leaven of the Pharisees and the conversation following. The actual sequence of thought in 14–21 is apparently as follows: The disciples forgot to take bread; Jesus happened to choose that time to warn them against the 'leaven' — i.e. the ill will and its expressions — of the Pharisees; the disciples thought his choice of this time for this teaching an indirect reproach because they forgot the bread; Jesus was annoyed that they should suppose themselves dependent on, or him concerned with, natural provisions: Had he not given sufficient proof of his supernatural power to produce food and to spare? Did they not yet understand who he was? He pointed this out by recalling the feedings and asking them how much, in each instance, they had left over. The affiliates of the story are the temptation to prove his divinity by making stones bread (Mt. 4.3 f. // Lk. 4.3 f.) and the Markan conclusion to the walking on the waves (6.50–2, N.B. ἐγώ εἰμι). T. is forced to suppose that 'in Mark the saying on the leaven is ignored' (p. 366) and he attempts no explanation of how an understanding of the feeding as the prototype of the eucharist would be relevant to the disciples' conjecture. He sees correctly that Mk. attributes the rebuke 'to their want of faith in the power of Jesus to supply their need' (p. 367), but he does not see that this supposes a miraculous rather than a sacramental interpretation of the feeding, and so contradicts his exegesis of the whole section.[27]

8.31: "Many commentators regard the three predictions" (of Messianic suffering) "as variant forms of the same saying. . . . However . . . it is inherently probable that Jesus made several

tradict it by circulating a story that he gave his 'sign' (the Transfiguration) in secret to his three most intimate disciples, but forbade them to speak of it till after his resurrection (Mk. 9.9).

[27] He is also forced to suppose that 'the stupidity of the disciples is exaggerated' and the whole latter half of the narrative is a Markan invention (p. 364). These conclusions should be remembered when he argues elsewhere that Mark is 'not a creative writer' (p. 140), that 'the limitations of Mark point to his fidelity to tradition' (ib.) and that the 'Messianic secret' (for which the disciples' stupidities — 4.38,41; 5.31; 6.37,52; 8.4,17,33; 9.6,10; 10.38 — provide as much evidence as Jesus' commands of secrecy) is reducible to Jesus' own unwillingness to be recognized as Messiah before the fulfilment of his Messianic fate (p. 123).

attempts to familiarize His disciples with the strange idea." And it is inherently improbable that ten years later they could accurately recall and distinguish the exact wording of each attempt. See the variants which appear even in the tradition of rabbinic legal sayings [28] — and everything goes to indicate that the tradition behind the Gospels is of the haggadic rather than the halakhic type and was not handed down by trained 'repeaters.'

8.38: Mk. refers to the Son of Man coming 'in the glory of his Father with the holy angels,' Lk. (9.26) refers to his coming 'in his and the Father's and the holy angels' glory,' and T. comments, "In this manner the apocalyptic colouring is . . . reduced in Lk." Here T. follows T. W. Manson.[29] Manson remarked that (1) the Q parallel lacks the coming in the clouds (Lk. 12.8 f., yet T. recognizes that this is probably not a parallel, but a pair of different sayings (p. 384)); (2) Lk. 22.69 (// Mk. 14.62) also lacks it (but, when he comes to 14.62, T. says, 'It is precarious to argue that "coming with the clouds" is secondary because it is wanting in Lk. xxii.69' (p. 569)); (3) Mk. 13.26, which both Mt. 24.30b and Lk. 21.27 repeat almost verbatim, is in the apocalyptic discourse; and (4) references to coming in the clouds are wanting in Q and L. From this evidence T. concludes 8.38 'lacked originally the apocalyptic colouring now present in 38b' (p. 384). Of these arguments (1), (2) and (3) require no discussion; (4) is an argument from the silence of Q and L. Since the later Synoptics probably took Mk. as their basis and used bits of Q and their peculiar sources to supplement Mk., arguments from the silence of Q and L are worthless. Manson, however, tries to strengthen the argument from silence by one from contradiction — the apocalyptic material (as presented in Mk. 13) supposed a series of signs before the End, the Q and L material (Lk. 17.22–37; 21.34–6 & //s) and I Thess. 5.1–10 suppose the End will come suddenly, as a surprise. 'These two pictures are irreconcilable. Our authorities are divided: Q, L,

[28] E.g., those discussed in Tannaïtic Parallels (cit. sup. on 7.1 f., n. 22), Ch. 7, and exemplified in Appendix C, ib. (comparison of Mishnah Peah with Tosephta Peah). See also E. Melamed, Halachic Midrashim of the Tannaïm in the Talmud Babli, Jerusalem, 1943, pp. 24–33 (in Hebrew).

[29] The Teaching of Jesus, Cambridge, 1931, pp. 260 ff.

and Paul against the Little Apocalypse. Moreover, the Markan account is divided against itself. For the concluding sayings (Mk. xiii.32–7) agree with Q, L and Paul against what has gone before' (op. cit., p. 262). Our authorities are divided indeed, but the division is not Q, L and Paul vs. the little apocalypse, for Paul in II Thess. 2.2–12 supposes a series of signs before the end, as does, of course, the Apocalypse of John. Further, if it be a contradiction to suppose both that a series of signs will precede the end and that the end will come as a surprise, then not only does Mk. contradict himself, but so (as already noted) does Paul, so do both Mt. and Lk., who copied out both the Markan and the Q material, and so does the Apocalypse, which combines with its elaborate signs the prophecy that the day will come as a thief (3.3; 16.15). In sum: These two sorts of prediction were current in the early Church. Both were useful. (On the one hand: To *us* have been revealed the secret signs of the End. On the other: Do not despair, it may come any minute, better repent now.) So both were preserved. They were not necessarily contradictory — one might suppose that the early signs (wars, plagues, famines &c.) would be mistaken for natural events, and the latter might happen very suddenly; or it might be thought that the good would recognize the signs and the wicked would be surprised. Perhaps different authors reconciled them by different theories; perhaps some authors never noticed the difficulty; but one thing is certain, both theories are represented by all three Synoptics, by Paul and by the Apocalypse. To suppose one was absent from Q and L just because it is not represented in the preserved fragments of those hyper-hypothetical documents, is gratuitous. Finally, even if the apocalyptic tradition of a series of signs were discredited, it is not in question here. For the apocalyptic element in question in Mk. 8.38 is the coming in the clouds. Now the more sudden and unexpected the coming is to be, the more surely it has to be air-borne. This, therefore, must be the supposition taken for granted by the Q and L material; it is especially apparent in Mt. 24.27 // Lk. 17.24.

8.38 is interesting also for its apparent distinction between Jesus and 'the Son of Man' which appears also in the Lucan

parallel (9.26) and the similar sayings in Lk. 12.8 f. (though not in their Matthean parallel, 10.32 f.) T. declares, "If the saying is original, one of two possibilities must be true: either, at some point in His ministry, Jesus spoke of the coming of a supernatural Son of Man other than Himself, or by 'the Son of Man' He meant the Elect Community of which He was to be the Head" (p. 384). But it seems easier to explain the apparent distinction as a product of one of the secrecy themes of Mk.'s sources (possibly reflecting the behavior of Jesus himself). Certainly that is indicated by the structure of 8.27–9.1: Jesus reveals his rank to the disciples by treating Peter's guess as correct. He then begins to teach them further secrets about the Messiah, especially his destined suffering. Peter protests. Jesus rebukes him and shuts off any possible questions or objections by calling the crowd and teaching them the same thing, keeping concealed only the identity of the Messiah. Now it was not Mk. who designed this scene, because Mk. had previously copied into his Gospel chs. 2.1–3.6 in which Jesus openly uses 'the Son of Man' to refer to himself. But it is significant that the uses in 2.1–3.6 (which is admittedly alien material) and this use in 8.38 (where the reference to Jesus is concealed) are the only times Jesus is made to use the term publicly in the whole Gospel, except in the trial bfore the High Priest.[30]

9.33–7: [31] T. takes the *παιδίον* of 36 for a child and therefore thinks that its like in 37 was taken by Mk. to refer to children, though it probably meant "the weaker members of the community, 'those who have the greatest need of being served.' (Lagrange, 246)" (p. 405). 'Served' is mere moralizing, *δέχομαι* does not mean 'serve,' it might refer to taking in travellers, or to admitting persons to communion (so perhaps — *ἐπιδέχομαι* — in III Jn. 9 f. and certainly Didache 11). If the meaning were 'admit to communion' then the *παιδία* might be the 'weaker

[30] The other instances are in the prophecies of suffering (8.31; 9.31; 10.33), after the Transfiguration (9.9,12), in the answer to the sons of Zebedee (10.45), in the prophecy of the End (13.26), in the Last Supper (14.21 bis), and in Gethsemane, just before the arrest (14.41).

[31] The words '35 f., and 37' (p. 404, line 8 of the text) are probably a slip for '35 and 36 f.,' the division indicated earlier in the introduction (p. 403) and in the commentary on 36.

members' in the Pauline sense of those who still observe the purity laws. But such Pauline concepts and homiletic metaphors are unlike Mk. Therefore it seems better to take *παιδίον* as 'slave' and *δέχομαι* as a literal translation of קבל (usually, but not always, with פנים) meaning 'show respect to' (especially by visiting or going to meet). The question of the respect due to slaves who were converts must have been a difficult one in the early Church. Reference of 36 f. to slaves would also explain why it was attached to 35 (*πάντων διάκονος*), and the understanding of *δέχομαι* as a translation of קבל would clarify the relationship of 37 to the famous saying in Mekhilta on Ex. 18.12 (with a parallel in the Jerusalem Talmud, Erubhin 5, beginning), 'Whoever shows respect to the scholars (acts) as if he showed respect to God.' This is one of the many parallels between rabbinical sayings and the NT in which the place occupied by God in the rabbinical sayings is occupied by Jesus in the NT.[32]

10.3: (What did Moses command you?) "The question is not merely dialectical. Jesus accepted the Law of Moses, though He claimed the right to interpret it; cf. vii.10." According to 7.10 he accepted Ex. 20.12 // Dt. 5.16; according to the story here he rejected Dt. 24.1. Neither of these stories, even if true, would provide sufficient evidence to determine his attitude (or attitudes) towards the Law as a whole. Any attempt to reconcile them must both go beyond the evidence and suppose a complex legal theory which cannot confidently be attributed to Jesus.[33] Further, even if we suppose Jesus consistent (and there is no good evidence that he was) we need not, and hardly can, suppose all the stories about him so. T.'s comment on 5, 'Jesus does not question the Law' is ambiguous; if it means 'Jesus never denies the Law's validity' it is false. The Law provides divorce and divorce is a legal action of which Jesus, by prohibiting remarriage, implicitly denies the validity. Vs. 5 (Because of your hard-heartedness he gave you that commandment.) is clearly not interpretation, but rejection, of the commandment concerned.

[32] For a collection of these see Tannaïtic Parallels (cit. sup., n. 22), ch. VIII.

[33] The cautious attempt at reconciliation by E. Percy (pp. 116–22 of op. cit. sup. in note to 1.9–11) recognizes the inconsistency of the preserved sayings and rejects at least the most extreme of them, Mk. 7.15.

10.13–16: "This story circulated in the earliest Christian community because it showed the attitude of Jesus to children" (p. 421). For the attitude of the earliest Christian community to children, T. quotes Burkitt,[34] 'Apart from the Gospels, I cannot find that early Christian literature exhibits the slightest sympathy towards the young.' But Burkitt's observation makes T.'s conjecture improbable. Some other reason for the preservation of the story must be sought. On 10.15 T. comments, "Receiving the Kingdom 'as a little child' . . . suggests the idea of a divine gift" (p. 115). This depends on what the little child usually receives: to a little nineteenth-century upper-class English child it might suggest a gift, to a little first-century Palestinian peasant brat it might not. Actually, 'receiving the Kingdom' is a rabbinic idiom of which the connotations are determined by its fuller form, 'receiving the yoke of the Kingdom of Heaven' (מקבל עול מלכות שמים). This means acknowledging the rulership of God. It refers especially to acknowledgment in principle, as distinct from the consequent acceptance of the commandments (Berakhoth 2.2). Recognition of this idiom explains the apparent contradiction of the saying (only those who accept the rulership shall enter the kingdom). Further, since 'accepting the rulership of God' is the essential act of the convert, as 'casting it off' is of the apostate, the motivation behind the story becomes clear: It is an attack on the validity of adult conversions (the ὡς of vs. 15 is temporal). It expresses the suspicion felt towards newcomers by a generation grown up in the Church. Mt. 18.3 shows how the saying was reinterpreted with the help of the Jewish comparison of a newly baptized convert to a new born child. This comparison (which is also reflected in Jn. 3.3 ff.) had originally nothing to do with the Markan saying.

11.1–13.37: T. notes quite correctly, "The narratives are set in a framework of three days. . . . Nowhere else in the Gospel, except in the Passion Narrative . . . have we a chronological scheme so precise. Nevertheless, the arrangement is plainly artificial. . . . It is manifest that the Evangelist . . . had no de-

[34] F. Burkitt, The Gospel History and Its Transmission, Edinburgh, N.D. (1907), p. 285.

tailed knowledge of the Ministry in Jerusalem . . . and, in default of continuous tradition, was compelled to assemble in the best manner possible existing units of tradition which in some cases" (the cleansing, the Streitgespräche) "belonged to other periods in the Story of Jesus" (p. 450). Cf., however, his comment on 6.30–4, 'Mark is not the kind of writer who invents details for literary ends. He may use "traditional formulae" . . . but his narrative is everywhere credible' (p. 318). T. has constantly argued that indications of place, time, circumstance and sequence in Mk. are so few that their paucity proves Mk. did not invent them; he has taken for granted that if Mk. did not invent them, nobody else did; and he has therefore concluded that they must be reliable.[35] This argument here falls flat. And further, what becomes of the reliable Petrine tradition? And what of Mark, the native of Jerusalem, the interpreter of Peter, the substantially accurate reporter of apostolic dicta (pp. 30, 148 &c.)? This author 'had no detailed knowledge of the Ministry in Jerusalem.' He has no detailed knowledge, for that matter, of the ministry anywhere, but his ignorance of events in Galilee might be understandable if he were a Jerusalemite (though hardly if he were long the companion of Peter). But for Jerusalem, and for the last days in Jerusalem, which he himself might have been expected to remember, which Peter can hardly have forgotten, which it would be plausible to suppose the Jerusalem group sometimes talked of at his mother's house — for these Mark of Jerusalem 'in default of continuous tradition was compelled to assemble in the best manner possible existing units of tradition which in some cases belonged to other periods in the Story of Jesus.' Here the argument for Markan authorship cannot be supported except by the supposition that in Mk. 11 ff. we have not ignorance, but deliberate suppression of the facts — a supposition for which some support could be found in the improbabilities of the Markan account of the events, especially those of Jesus' trials.

11.2 f.: (Go into the village in front of you and as soon as you

[35] E.g. sup. in 5.21 ff. the quot. from T. p. 289, cf. T. p. 140. Many similar passages could be cited.

enter it you will find a colt . . . and if anyone says to you . . . say . . .) This is unmistakeable folk-tale material,[36] and understandably so, for being told just where to go and what to do and say is a common experience of children and such coaching is expected of almost any beneficent supernatural being, whether a deity or a prophet, a dying parent or a talking horse. There are two examples in Mk., this one and 14.13 f. (Go into the city and a man carrying a jar of water will meet you, follow him &c.) T. not only supposes them historical, but thinks them 'vivid' details which prove the historicity of the narratives in which they occur. Therefore they were not miraculous, but prearranged. He does not notice the difficulty of calculating time and travel in the ancient world: Prearrangement would involve Jesus' sending ahead an unmentioned (secret?) messenger to warn the owner to tie the colt outside at the time the apostles were likely to look for it (But if he sent such a messenger, why send the apostles? Was he trying to impress them?), and would keep the water-carrier parading in the city gate till he should be followed by two men whom (it is implied) he did not know and who were sent to tell his master something which the latter (since he must have been warned to have the water-carrier in the gate at a time when he would meet the men) presumably knew already. And all this to eliminate two miracles from a text which is largely a collection of miracle stories! Actually 11.1–10 is two stories: the miracle of procuring the colt (1–6) and the account of the entry. The first (as often in folklore) is probably also the story of a clever answer: The ambiguity of 11.3 (ὁ κύριος αὐτοῦ χρείαν ἔχει) can hardly be accidental.

11.15 f.: "It has been objected . . . that, if Jesus acted" (in the Temple) "in the way described, the Temple police or the Roman watch . . . would have intervened, and that reference to the event would have been made in the Trial; but against this contention it may be justly urged that Jesus must have had public sympathy on His side, that His action was not revolutionary

[36] Cf. the Odyssey 4.399–424; 10.281–301,504–40; 11.100–37; I Sam. 9.16; 10.2–7; Mt. 17.24–7; R. Dawkins, Modern Greek Folktales, Ox., 1953, 64 ff., 74 f., 77, 100 ff., 119 f., 198–202.

and . . . was not an attack upon the sacrificial system." If Jesus ever did such things as reported he certainly must have had the crowd on his side. But it is absurd to suppose that the Temple police would not have interfered with a disturbance of business unless convinced that the action was 'revolutionary' or 'an attack upon the sacrificial system.' Disturbance of the peace would have been quite enough. However, the objection that reference to the event would have been made in the trial is itself worthless, because it rests on the supposition that we have a reliable account of the trial.

11.27–12.44: "The narratives are arranged topically, in order to illustrate the conflicts of Jesus with the scribes." (p. 101). Rather, they illustrate the attitudes of the Christian group towards the various types of Jews it knew. As the section stands we have high-priests, scribes, elders (11.27), Pharisees and Herodians (12.13), Sadducees (18), the sort of scribe Jesus approved (28–34), scribes generally (35–7), the sort of scribe Jesus did not approve (38–40), and the conclusion that the pious poor (and a woman, at that, who, *qua* woman, could not keep the whole Law) have contributed more to the service of God than all the rest put together (41–4).

12.1–12: Jülicher's distinction between parable and allegory should not be accepted without reservations. It is true that in the parable the point is a general similarity of situation or action, whereas in the allegory even the minor objects mentioned in the story usually 'stand for' distinct objects in the situation allegorically described. But on the one hand the allegorist is frequently carried away by his tale and introduces elements which have no exact correspondents; on the other, it is hard to imagine a general similarity of situation or action unless at least the main elements of the similar things could be roughly equated. Thus in Isaiah's parable of the vineyard (5.1 ff.) the vineyard undoubtedly 'is' the people of Israel, the improvements 'are' the various past mercies of God, the fruits 'are' kinds of behavior, the punishment implies military defeat and the wild beasts of the forest 'are' the foreign invaders. Even in the parable of the seed growing secretly (Mk. 4.26–9), whatever the other elements may or

may not be, 'he thrusts in the sickle' 'is' the last judgment; even in the comparison of the coming of the Messiah to lightning (Lk. 17.24 // Mt. 24.27) the lightning must 'be' the Messiah. In sum, to use a rabbinic 'parable,' 'No allegory walks on all four feet' — and there is no parable which does not have at least one leg to stand on. Therefore it is not convincing to deny the authenticity of the parable of the wicked husbandmen because the rate of correspondence in it is rather high. But T. attempts to counter this denial by himself denying the obvious correspondences: "No allegorical significance belongs to the hedge, the pit, the wine press, the tower, the other country, the fruit, the exterior of the vineyard . . . This consideration raises the question whether the vineyard itself and the slaves are to be precisely identified" (p. 472). Of these the first four serve as a cross reference to the parable in Isaiah; 'the other country' does not exist in the Greek, only in English translations of ἀπεδήμησεν — he left the state — which refers to God's apparent absence from the world; the fruit is unquestionably the desired sort of behavior. The exterior of the vineyard must be defined by the vineyard. T.'s doubt as to whether the latter should be defined derives from the fact that he defined it as 'Israel' and then suggested that the husbandmen might be 'possibly the people as a whole' (ib.). But Israel is the people (not a geographical term). Nor would 'the land of Israel' fit, for the Jews had already lost that and Jesus was not cast out of it. So the vineyard is probably 'election,' the status of being the chosen people,[37] or, for an individual, membership in the chosen people. The casting out, then, reflects the same theory as Heb. 13.11 ff. and the transfer of the vineyard, as Rom. 9.6; Gal. 6.16. Therefore the vineyard here and that in Is. 5.1 ff. are not identical, and the cross reference in vs. 1b is an early, but mistaken, gloss.

12.31: "The Heb. רֵעַ 'friend' . . . in view of the preceding clause" (of Lev. 19.18) ". . . refers, strictly speaking, to a fellow-Jew. But it would be wrong to suppose that the command was understood in this restricted sense in later times; the LXX

[37] It is noteworthy that Mt. 21.43 identifies the vineyard as the Kingdom — the realization of which election is the potentiality.

rendering itself must have encouraged a wider connotation, and the enthusiasm with which it is quoted by the Rabbis . . . makes this clear. . . . Cf. the famous saying of Akiba: ' "Thou shalt love thy neighbor as thyself"; this is the greatest general principle in the Torah.' " T. has here been misled by the mass of apologetic misinformation about this matter put out in the early years of this century. The fact is that wherever רע occurs in the legal sections of the Torah it is always understood by the Tannaïtic legal commentaries as meaning fellow-Jew. This interpretation is frequently expressed, there is no contrary interpretation, and Siphre on Dt. 23.26 says, 'By the general rule, since the word רע is used, (this law) does not refer to (the property of) others (i.e. Gentiles).'[38] Further, in all but three of the places where רע is specifically interpreted, it is taken as a word especially used to indicate exclusion from the scope of the law of some person, institution or group other than Jews.[39] That this force is

[38] מכלל שנאמר רעך פרט לאחרים. That 'others' means 'Gentiles' is clear from the many places in which the two words appear as variants in parallel texts, e.g., Siphre on Dt. 23.25 // Melamed, op. cit., p. 448, no. 314 (I prefer to cite Melamed in this instance rather than the sources, since he gives a critical text.); Siphre on Dt. 19.4 // Midrash Tannaïm ad loc.; Mekhilta on Ex. 21.35 // Mekh. of R. Simon ad loc.; and, for the general principle, Melamed, op. cit., p. 132, nos. 188a and 189. It is clear also in such passages as Mekhilta of R. Simon on Ex. 22.6 f., " 'When a man gives his רע money or utensils to store and they are stolen from the house of the man (storing them), if the thief be found he shall pay double, but if the thief be not found, then the owner of the house shall be brought near to God, to show whether or not he has taken the goods of his רע.' (The use of the word) רע excludes 'others' and excludes resident aliens. (This) I cannot (conclude) except in a case when (the Israelite) gave (the goods) to a Gentile, whence (can it be concluded that also if) the Gentile gave to him (the law does not apply)? The text says, 'Whether or not he has taken the goods of his רע' (and, by using the word רע twice, indicates that this law shall not apply when a Gentile is either the giver or the receiver of the missing property)."

[39] So Mekhilta and Mekhilta of R. Simon on Ex. 21.14,35; 22.8; M.R.S. on Ex. 22.6,9,13; Siphra on Lev. 20.10; Siphre and Midrash Tannaïm on Dt. 19.5; 24.10. The three exceptions are (1) Dt. 13.7 lists various persons who might tempt you to commit idolatry, and among them 'your רע who is (dear) as your own self.' Siphre comments, ' "Your רע" — This is a proselyte. "Who is (dear) as your own self" — This is your father.' (2) Dt. 15.2 prohibits a man's exacting debts from his רע and his brother. Midrash Tannaïm comments, ' "His רע" — This is a proselyte. "And his brother" — This is a born Jew.' (Since a proselyte is, in the eyes of the Jewish Law, a Jew, these examples in no way contradict the statement above, that OT רע is always understood in Tannaïtic legal commentaries to mean *fellow-Jew*.) Finally (3) Midrash Tannaïm on Dt. 19.5 takes the word רע in the clause 'it struck his רע and he died,' as excluding from the scope of the law on accidental manslaughter any man who accidentally kills himself.

understood in the famous comment in Siphra on Ex. 19.18 becomes apparent when that is seen in its complete form: " 'And thou shalt love thy רע as thyself.' R. Akiba said, 'This is the general principle of the Law.' Ben Azzai said, 'A principle yet more general is, "This is the book of the generations of man." ' " Ben Azzai's saying would have no point unless he took it for granted that Akiba understood רע to mean *fellow-Jew*. Given that meaning, Akiba says that the Law is the basic principle of Jewish society and Ben Azzai says, 'No, it is the basic principle of all human society.' [40]

12.32 f.: "The scribe's words would have been more characteristically Jewish if he had set love side by side with the Torah and with sacrifice; cf. Aboth i.2." The 'works of love' in Abhoth 1.2 (in the translation used by T., p. 487) are really גמילות חסדים viz., acts of kindness. That 'love' (אהבה) should be the motive of all action is standard rabbinic teaching, especially as interpretation of Dt. 6.5 (v. Siphre Debharim in loc. and in 11.13). The identification of the Shema (Dt. 6.4 ff.) as the 'first' commandment in Mk. 12.29 f. merely made explicit what was understood to be implied by the position given the reading of the Shema in Jewish worship. So Berakhoth 2.2: 'R. Joshua b. Karha said, "Why does the reading of the Shema (in the service) precede (the reading of) 'And it shall come to pass, if you will listen attentively' (Dt. 11.13 f.)? In order that one should take upon himself the yoke of the Kingdom of Heaven first,[41] and thereafter he may take upon himself the yoke of commandments." ' Love is the essential of the Law, the notion of separating it from the Law and setting it side by side with the Law is utterly alien to Pharisaic thought.

13: T.'s discussion of this chapter is again based on T. W.

[40] The Rabbinical interpretation of רע was retained even by some Christian writers in their exposition of Jesus' saying on the great commandments, so Aphraates, Demonstratio II, *de caritate*: 'ut omne opus legis in hoc tendebat, ut ad amorem Domini Dei sui perducerentur, et diligeret homo propinquum *carnis suae* tanquam semetipsum,' tr. by J. Parisot in Patrologia Syriaca I.1, col. 62 (my italics).

[41] Cf. sup. in 10.13–16.

Manson's argument [42] refuted above in 8.38, that because apocalyptic details do not appear in Q and L they were not in the teaching of Jesus. Therefore their appearance in Mk. proves, according to T., that he "is influenced by beliefs tenaciously held in the Church of his day . . . and it is probable that his account of the teaching of Jesus is thereby coloured and to some extent distorted" (p. 116). It certainly is, but we should not expect the distortion to be greatest in apocalyptic speculation.[43] Rather it should appear in sayings on moral and social questions, which would immediately affect and be affected by the changing life of the Church. Therefore to accept the great majority of the sayings in Mk. as substantially accurate reports of Jesus' *ipsissima verba*, which T. does, is implausible. But to do this and also get rid of the apocalyptic sayings, is impossible.[44] The procedure used in criticizing Mk. 13 must be the same as that applied to all other parts of the Gospel. In particular, the stronger the motives which the Church would have had for inventing a given saying, the less confidently can it be attributed to Jesus himself, and *vice versa*. Now look at vss. 5–13: Warnings about false teachers, about mistaking natural or historical catastrophies as signs of the End, about persecutions and family opposition, advice on how to prepare for appearance in court, the explanation that 'the Gospel' must be preached to all nations (therefore the End has not come yet), and the comfortable assurance that he who endures to the End will be saved. Exactly what the sadder and wiser Church was saying after half a century of experience with an unrealized eschatology. There is more of the same in vss. 21–3 (warning

[42] The Teaching of Jesus, Cambridge, 1931, 260 ff.

[43] The only element of Jesus' apocalyptic teaching which would certainly have had to be changed, 'explained' or suppressed before 70 A.D. would have been a false prophecy of specific events for a date prior to 70. (Can it be that Jesus' unusually clear and emphatic refusal, in Mk., to set a date, contradicts some deliberately lost tradition of a date which he did set?) By the same argument those sayings of Jesus which predict the End within the lifetime of his hearers must have been fixed in widespread and probably written tradition before the course of events proved them false. But it must be remembered that the passing away of a generation is an extremely gradual thing and one of which the terminus — especially in the ancient world with its limited means of communication — can hardly be fixed. It must have been well after 100 A.D. before Mk. 9.1 & 13.30 began to embarrass apologists.

[44] Contrast the frank recognition of Jesus' apocalyptic expectations by E. Percy, pp. 175 ff. of op. cit. sup. in 1.9–11, n. 1.

against false Christs and false prophets). In vss. 31–7: Never mind what else changes, my prophecy is sure. But only God knows just when the End will come.[45] So keep watch, like a

[45] T.'s notion that Mk. 13.32 (Of that day . . . none knows, not the angels . . . nor the Son, but only the Father.) must be original because, 'Its offence seals its genuineness,' is a serious anachronism, resting on the supposition that because the verse gave offense to the Athanasian party of the fourth century it must therefore have been offensive to all Christians of the first century, and therefore none of them could have invented it. If it had been so offensive, none of them would have copied it, either. Actually, there is no earlier trace of its supposed offensiveness than its appearance in the Arian controversy and its omission by some later uncials and versions in the text of the Matthaean parallel (and Mt. abbreviates). It is never referred to by the apostolic fathers nor by the apologists. The first father to notice it, Irenaeus, accepts it at face value and finds no trace of heresy in it. On the contrary, he uses it to reproach the heretics (II.42.3, Harvey; 28.6, Stieren): 'Irrationabiliter autem inflati, audaciter inenarrabilia Dei mysteria scire vos dicitis; quandoquidem et Dominus, ipse Filius Dei, ipsum judicii diem et horam concessit scire solum Patrem, manifeste dicens, (Mk. 13.32). Si igitur scientiam diei illius Filius non erubuit referre ad Patrem, sed dixit quod verum est, neque nos erubescamus, quae sunt in quaestionibus majora secundum nos, reservare Deo.' See further ib. 43.3: 'Etenim si quis exquirat causam, propter quam in omnibus Pater communicans Filio, solus scire horam et diem a Domino manifestatus est, neque aptabilem magis, neque decentiorem, nec sine periculo alteram quam hanc inveniat in praesenti, quoniam enim solus verax magister est Dominus, ut discamus per ipsum super omnia esse Patrem. Etenim *Pater*, ait, *major me est*. Et secundum agnitionem itaque praepositus esse Pater annuntiatus est a Domino nostro ad hoc, ut et nos, in quantum in figura hujus mundi sumus, perfectam scientiam et tales quaestiones concedamus Deo.' The purpose of his argument is to demonstrate that there are some things above human knowledge, that the 'prolation' of the Son from the Father is one of these, and that therefore the inability of the orthodox to explain it is no sign of weakness in their position. In such an argument he would never have dared use Mk. 13.32 as he does if it were itself a center of controversy. So his use of it indicates not only that he himself accepted its plain sense, but that most of his expected readers, whether orthodox or heretic, did so too. This indication is borne out by the neglect of the verse by the other ante-Nicene fathers. Clement, Origen, Dionysius of Alexandria, Tertullian, Hippolytus and Cyprian never mention it; it is not mentioned in the history of Eusebius. So the evidence for 'its' (anti-Nicene) 'offence' is nil. T. asks 'What Christians would have created the saying?' (p. 522) and thinks the question unanswerable. But (as already suggested) there may have been Christian groups — especially those closely connected with Jerusalem — which soon saw theological reason to emphasize the humanity of Jesus. Such reason may have been backed up by a practical concern to discredit the teaching of missionaries like Paul who were competing with the missionaries they sent out. Yet it is not necessary to refer this saying to such a group, nor even to recall the other suggestion already made — that Jesus' unusually vigorous refusal to date the End is intended to contradict some date which had been attributed to him and had proved wrong. A simpler, but quite adequate, motive would be the desire to explain the fact that the leaders of the Christian group, for all their talk about the proximity of the End, did not have any clear tradition about its exact date and did not themselves take the risk of dating it. Therefore they had to explain the somewhat humiliating fact that Jesus had not revealed the exact date, even to his closest followers. They passed on the humiliation to

slave whose master may come back at any minute, keep awake. This, again, is the party line of a disappointed party. The object is to explain why the revolution has not come and to keep up the members' hopes and fears and discipline and dues ('to each his work,' cf. I Cor. 9.11; 12.4–31; II Cor. 8.14 &c.). By contrast with these, the actually prophetic parts of the chapter are much harder to date. If 'the abomination of desolation' was the statute of Caligula, then 14–6 could have been written when all-out resistance to its installation was expected. 17–20 (the affliction of the last days) and 24–7 (the coming of the Son) are presumably posterior to Daniel, but otherwise timeless. 28–9 (the parable of the fig tree) and 30 (this generation will see the End) belong to the encouragement material, but look earlier than that dealt with above. This is clear for 30, but no less true for 28–9, of which the distinguishing characteristic is the teaching that 'these (signs)' are immediately to precede the End. For T. W. Manson's contention (see above on 8.38) is not correct: The expectation of signs does not necessarily imply a remote End, and the expectation of a remote End is not necessarily later than its opposite. Indeed, as time wore on and the signs did not appear and all things remained as they had been since the beginning of creation (II Pet. 3.4), the Church, to keep up hope and discipline, put more emphasis on the notion that the End — signs and all — might come at any moment, as a complete surprise: See the disciplinary connections of the word 'thief,' [46] especially its association with 'watch' (γρηγορέω).

13.5–8: T. thinks this and 24–7 originally formed a complete, separate prophecy, falsely attributed to Jesus. That they formed a complete prophecy is improbable, because they begin by telling us what the signs of the End are not, but never tell us what they are. Vs. 8 (For nation shall rise against nation, &c.) is rhetorical restatement and enlargement of 7, and the point of 7 (even as it stands in T.'s reconstruction, p. 639) is that natural and

---

Jesus and made him explain in Mk. 13.32 that this is a secret kept by the Father to Himself. The same explanation is put in the mouth of the risen Lord in Acts 1.7. Is that, too, a reliable report of a historical utterance?

[46] I Thess. 5.2,4; II Pet. 3.10; Apoc. 3.3; 16.15; Mt. 24.43 // Lk. 12.39.

political disasters are *not* signs of the End. What, then, *are* the signs? The darkening of the sun &c., of 24b–25? In that event T.'s reconstruction should introduce them by 'But when' and distinguishing them from the End by eliminating the 'And' at the beginning of 26. By this interpretation the End must be limited to the actual coming of the Son of Man. But it seems more probable that the darkening of the sun &c. is also part of the End; it is, at least, in the Markan text we have. Therefore if 5–8 and 24–7 ever did form parts of a complete prophecy, there presumably stood between them some passage, stating the true sign(s) of the End, and reading, 'But when . . . Then . . . .' But just such a passage does stand in Mk. now. T.'s belief that vss. 5–8 and 24–7 were falsely attributed to Jesus is supported principally by his interpretation of vs. 6:

πολλοὶ ἐλεύσονται ἐπὶ τῷ ὀνόματί μου
λέγοντες ὅτι ἐγώ εἰμι
καὶ πολλοὺς πλανήσουσιν.

He first remarks that ἐπὶ τῷ ὀνόματί μου cannot mean 'claiming to be the Christ,' but only 'under my authority' or 'in my name.' Therefore, "if false Messiahs are meant" (by those λέγοντες ὅτι ἐγώ εἰμι) "it would be necessary to explain this phrase" (ἐπὶ τῷ ὀνόματί μου) "as a secondary addition, adapting the original source to" the Markan supposition that it was a prophecy by Jesus (p. 503). He then finds that λέγοντες ὅτι ἐγώ εἰμι does in fact indicate a claim to be Jesus or a messianic claim of some sort. So he adopts the above 'necessary' explanation. He never considers the possibility that λέγοντες ff. might be the gloss and ἐπί ff. the primary phrase. But so they probably are. First of all, on metrical grounds: In Aramaic the parallelism represented by πολλοὶ ἐλεύσονται . . . πολλοὺς πλανήσουσιν is not broken by the brief — almost monosyllabic — equivalent of ἐπὶ τῷ ὀνόματί μου, which would serve only to give the first half of the parallel the slightly greater length and weight it frequently has; the λέγοντες phrase, on the other hand, could only translate an additional clause which would be impossible metrically. Secondly, T.'s explanation requires us to suppose that a Christian editor had before him the text, 'Many shall come saying "I am" ' and

believed that this was not satisfactory as a prophecy by Jesus (for this editor thought Jesus should have warned against false apostles rather than false Christs) and therefore inserted 'in my name' to change the sense, but did not think to eliminate the original phrase which his insertion had made nonsense. Not very likely. On the other hand, if ἐπὶ τῷ ὀνόματί μου stood in the text, then someone ignorant of the meaning of this Semitism might well have tried to explain it by λέγοντες ὅτι ἐγώ εἰμι — the last two words having their usual sense, 'I am he.' So λέγοντες ff. is probably an early, but mistaken, gloss, and the original ἐπί ff. provides no evidence that the verse has been 'adapted' to Christian usage.

14.25: (I shall not again drink of the fruit of the vine until that day when I drink it new in the Kingdom of God.) cf. T. p. 115: "There is no sign in Markan teaching of the conception of the Kingdom as an earthly or political institution."

14.26–31: T. takes this as one section, but it would probably be better to divide it at the end of 28 and assign 29–31 to a different source. Had 27 and 29–31 come from the same hand, 29 would have followed 27 immediately; an interpolator would hardly have broken so clear a sequence of thought by the insertion of 28; therefore the man who added 29–31 found 28 already attached to 27 and left it so. Further, T.'s analysis requires him (p. 660 f.) to suppose the original passion story contained the prophecy of Peter's denial, but no report of the fulfilment of this prophecy — a theory particularly unlikely since it was probably the fulfilment which occasioned the prophecy. (Yes, Peter *did* deny him, but he had to because it was prophesied he should.) Such an apologetic motive for the prophecy would be particularly likely if the story of the denial were being spread in the Church by groups unfriendly to Peter, a possibility T. does not consider: "The genuineness of the prophecy needs no defence; Christian tradition would not have preserved it except on the highest testimony, namely that of Peter himself" (p. 550). A similar argument introduces the next story (Gethsemane, p. 551): "Only as dependent on the testimony of Peter

himself is a story so damaging to his reputation and to that of all the disciples conceivable." But this story is not damaging to the reputation of all the disciples, it affects only Peter, James and John. And in spite of our general ignorance of the early Church, we know of at least two groups which had a definite interest in discrediting the inner circle of the first disciples. These two groups were the followers of Paul and the family of Jesus. The comparative absence from Mk. of specifically Pauline material makes it unlikely that he has much propaganda from the former group, but an influence by the second is certainly possible. Jesus' family was incredulous of, embarrassed by, snubbed by and even occasionally hostile to Jesus in his lifetime (Mk. 3.21,31–5; Jn. 7.1–9 &c.). But — in the manner of Near Eastern families — it seems to have stood by him at the end. Therefore it secured a place — albeit a subordinate one — in the early Church (Acts 1.14; Gal. 1.19). At that time the apostles — and especially Peter — were running things (I Cor. 15.4; Gal. 1.18; Acts 1.15; 2.14; 4.8,19,37; 5.3,15,18,29; 6.2 &c.). Then Peter went into forced retirement for a while (Acts 12.17), and James the Lord's brother became the leading member of the central group (Acts 12.17; 15.13; Gal. 2.9). The next we hear of the apostles, they are in the mission field (Gal. 2.11; I Cor. 1.12 &c.), James is sole head of the Church in Jerusalem (Acts 21.18), and that Church is remarkable for its appeal to members of conservative Jewish groups (Acts 21.20) — a much 'better' relationship than that which seems to have obtained during the lifetime of Jesus and the administration of his immediate followers. It would be understandable if a certain amount of friction had developed in the course of these changes. It would also make understandable the number of off-color stories both about Jesus' family (Mk. 3.21,31–5; Lk. 11.27–8; Mk. 6.3; Jn. 2.3 f.; 6.42; 7.1–9) and about the apostles — especially Peter — (Mk. 4.41; 6.52; 8.21,33; 9.38 f.; 10.14,35–44; 14.18,26–31,32–42,50,66–72), as well as later traditions intended to defend James by making him the first to see the resurrected Lord (G. acc. to the Hebrews, in Jerome, de viris, 2, end) and by representing Peter as his subordinate (Letter of Peter prefixed to the Clementine Homilies and C.H. I.20 &c.). The fact that propaganda for both groups is

found in Mk. suggests that Mk. was composed at a time when the first heat of the fight was over and in a circle accessible to, but neutral toward, both groups, one in which their propaganda was preserved as historical tradition — which some of it may well have been: Not all propaganda is necessarily false and in many instances the absence of any reliable criteria makes decision about a particular story quite impossible. T., for instance, finally proves the historical reliability of the Gethsemane story by its 'incomparable poignancy' (p. 663, cf. p. 551).

14.53–65: "No disciple was present at the trial, and for his information the Evangelist was dependent upon hearsay. This fact does not necessarily discredit the account, since knowledge of what happened . . . *must* have been available" (p. 563. My italics.) Such argument requires no comment, but it seems worth noting that Mk. would probably have paid no attention to such knowledge even if it had been available. He was writing, not a history, but an apologetic and polemic and missionary tract. Thus he represents as false witness the testimony about the Temple. Of this T. can only say, 'It is not clear why Mark represents the testimony as false. The suggestion that the disagreement was about the time and the occasion is not satisfactory. It is more probable that Mark reflects the uneasiness of primitive Christianity regarding the saying on the part of those who continued to observe the Temple worship' (p. 566). Or — yet more likely — on the part of those who did not want Roman authorities to know of the political expectations associated with Jesus' teachings. In the second place, Mk.'s account represents the trial as concluding with a conviction for blasphemy based on a statement which was not blasphemous. T. nevertheless thinks Mk.'s account true because, "First, there is good reason to think that the conception of blasphemy was broadened and made more inclusive; cf. ii.7, Jn. v.18, x.33. Cf. Billerbeck i.1008–19. . . . Secondly, Jesus not only claims to be the Messiah, but that He will sit at God's right hand and fulfil the vision of Daniel, . . . Billerbeck i.1017." (pp. 569–70). Now it is true that words which could be translated by 'blasphemy' were used loosely of many sorts of speech besides those which were legally punishable, but it is not

true that any of these sorts of speech is put in Jesus' mouth during the trial. Moreover, it is unthinkable that any should be, for Mk. is clearly determined to represent Jesus as innocent and the Jewish authorities as unjust. This was the standard line of Christian propaganda (Mk. 15.10; Jn. 11.50; Acts 5.28; 7.52; 13.27–8). Therefore Billerbeck (i.1017) was driven to suppose that the blasphemy lay in the claim to sit on God's right. But this supposition rests on the common error of taking for law an isolated piece of rhetorical exaggeration in an argument about haggadah (so there specified, Hag. 14a), and B. himself remarks that it is contradicted by Ps. 110.1. Nevertheless, he tries to make the claim blasphemous: 'Man erwartete, dass die Inthronisierung des Messias vor aller Augen sichtbar in der irdischen Sphäre u. zwar auf Gottes Geheiss hin erfolgen werde. Dass im Gegensatz hierzu Jesus scheinbar aus eigener Machtvollkommenheit heraus u. ohne göttliche Authorisation in der übersinnlichen Welt den ihm gebührenden Platz zur Rechten der Allmacht einnehmen u. von dort aus überweltlich, kommend auf den Wolken des Himmels, seine Herrschaft als Messias ausüben will — das ist es, was dem Hohenpriester als eine Antastung der göttlichen Majestät erscheint.' Eloquent, but unsupported. Actually, the most important thing we know about expectations as to how the Messiah would come is that they differed so greatly from group to group that it is quite inconceivable they should have been made the grounds for any legal action, least of all a capital charge such as blasphemy. Finally, the account of the trial contains an implicit self-contradiction which T. does not notice: The authorities are determined to condemn Jesus and do it — according to Mk. — on no evidence at all, yet in the first place they go to the trouble of having a trial, and in the second their conviction has no legal result. In Jewish law, each capital crime carries its own sort of execution, its particular penalty, and no capital crime carries, nor conceivably could carry, the penalty of denunciation to an alien authority for a different offense. So the finding of blasphemy was never acted on. Why, then, was it found? It certainly was not necessary in order to hand Jesus over to the Romans and denounce him as a political agitator — but that was all they had to do, and that was all they did. The picture of 'all the high-priests

and the elders and the scribes' of Jerusalem (Mk. 14.53) routed out in the middle of Passover night(!) to hold a meeting, probably illegal on several accounts, at which the procedure was to be a travesty both of justice and of their own law, and the result a foregone conclusion of no practical consequence — and finally, the picture of their doing all this merely as an excuse for handing over to the Romans an apprehended disturber of the peace — this is the picture Mk. gives. Add to this the facts that Lk. puts the trial in the morning; that John knows nothing of any trial, but only of Jesus' being questioned by Annas; that Jn.'s date of the whole procedure differs in relation to the Passover, and that Mk.'s date is probably wrong. Then consider T.'s judgment of the Markan account: 'In general, the narrative is historical' (p. 563).

14.68: "In ἠρνήσατο . . . Mark implies that Peter gave in substance a negative answer, but the actual reply is the confused utterance of a man taken suddenly at a loss." On the contrary, it is an emphatic wording of the phrase standard in rabbinic law for formal denial. cf. Shebhuoth 8.3,6 and Testaments XII Pat., Joseph, 13.2.[47]

15.1–15: T. never considers that Mk.'s account of the trial before Pilate may reflect Christian propaganda designed to prove that Jesus was not really judged criminal by the Roman authorities. He quotes Philo's quotation (Leg. ad Gaium 38) of Agrippa I's description of Pilate as 'inflexible, merciless and obstinate' (p. 578), but goes on to speak of Mk.'s account of the trial as "objective," "not hiding the weakness of Pilate" (p. 579). With T.'s failure to notice the discrepancy of these characterizations compare his sensitivity to the (non-existent) accord between the historical character of Antipas and the picture of him given in Mk. 6.17–29 (sup.). The unbelievable conversation between Pilate and the Jews is accepted with the comment, 'If primitive Christianity was anxious to lay the responsibility for the death of Jesus upon the Jews, the attitude of Pilate provided the oppor-

[47] Translations and comments in Tannaïtic Parallels (cit. sup. in 7.1 f., n. 22), p. 35.

tunity' (p. 583). Rather, the anxiety provided the attitude of Pilate. It was not so much anxiety to blame the Jews as anxiety to avoid the blame of the Romans. Therefore Mk. has Pilate first offer to release Jesus as a malefactor (15.9), then ask what penalty shall be inflicted on him (15.12), and finally, in climax, object that he is innocent (15.14). The objection makes nonsense of the preceding offer and question, yet T. says only, 'Pilate's reply is pitifully feeble, but it accords with' his 'vacillating spirit' (p. 583). The one thing it does accord with is the contradiction inherent in ancient Christian propaganda, which wanted to emphasize both the Jewish rejection and the Roman exoneration of Jesus, and failed to notice the inconsistencies of the story it told for the purpose.

15.31 f.: (He saved others, he cannot save himself.) "Elsewhere Mark's realism is based on testimony, and it is hard to believe that this speech is the product of creative imagination." It is more probably the product of Jewish polemic known to Mk., especially since there is a clear echo of that polemic in Midrash Tannaïm to Dt. 3.23 (end), 'Before a man put his trust in flesh and blood' (i.e. another man) 'and ask him to save him, let him' (the other) 'save himself from death first.' I doubt that any Christians were close enough to the execution to hear what was going on; the women of Mk. 15.40 were 'watching from far off' and Jesus' male followers were probably an even safer distance from the Cross.

16.15: (Go into all the world and preach the gospel to the whole creation.) "No more than Mt. xxviii.18f. is it an actual saying of Jesus; otherwise the controversy culminating in the Council of Jerusalem (Ac. xv) would not have been possible." This shows fundamental misunderstanding of the whole dispute about the Gentile mission. To understand that dispute one must keep in mind the Jewish, legal background of the problem. Legally, there would not be one question about Gentiles, there would be many, e.g.:

1. Can Gentiles be accepted as converts, at all?

2. If so, should a deliberate effort be made to convert them?

3. If so, may preachers enter their houses before the conversion?

4. If converted, may they be baptized without circumcision?

5. If baptized without circumcision, must they then be circumcised?

6. If not, should they observe any commandments?

7. If so, which?

Of these questions there can hardly have been much doubt about 1 (v. sup. in 7.24). As for 2, there were some groups which answered it in the negative, and Mt., as is well known, has preserved some of their propaganda (10.5–6,23), but he also concludes his Gospel with a formal command to convert all the Gentiles (28.19) and the existence of such an apparent contradiction is a work so systematic as Mt. suggests that by the time it was written the controversy had ceased to be of much importance. Perhaps the absence of anti-mission propaganda from Mk. is the chief indication that at the time of its writing the dispute was remembered, but the absence of any clear defense of a Gentile mission is even better evidence that the dispute was then settled and that Mk. took work among the Gentiles as beyond question. Why, then, does the yet later Mk. 16.15 echo Mt.'s concluding command to convert the Gentiles? In order to close the book with a prophecy of the manifest destiny of the Church. This is not justification, it is encouragement. Questions 3 and 4 are known to us chiefly because Lk. confused them in Acts 11: He made Peter, accused of answering 3 in the affirmative, reply with a defense of an affirmative answer to 4 (cp. 11.3 with 11.17 & 10.47). Evidently these, too, were dead issues by Luke's time. Questions 5 to 7, finally, are those with which the 'Council of Jerusalem' is reported by Acts to have dealt. It is obvious from their nature that they would not have become major problems for the Church as a whole until an affirmative answer to question 2 — i.e. some equivalent of Mk. 16.15 — had been taken for granted by all parties in the dispute.

The points of Taylor's work discussed in this paper have been

only those which seemed worth correcting and which admitted of brief and demonstrable correction. It would have been easy to increase them many fold by the inclusion of pathetic details [48] and indemonstrable dicta,[49] but a review of these would soon become tedious and is already unnecessary. The passages discussed are sufficient for a clear picture not only of Taylor's book, but of the sort of NT scholarship it represents: the work of determined apologists. It is for apologetic motives that Taylor is willing to preserve the faults of nineteenth-century exegesis (notably its overemphasis on insignificant details),[50] and even to revive those of the eighteenth century (notably its rationalistic 'explanations' of the miracles).[51] It is because of his preoccupation with apologetics that he does not notice these faults are contradictory: On the one hand he finds 'vivid' details even where they do not exist and takes every vivid detail as a proof of 'primitive' tradition; [52] on the other, he supposes this primitive tradition has fundamentally misunderstood the facts it faithfully reported.[53] The same apologetic concern limits his use of form-criticism to those instances in which it will yield edifying results: For him there are no 'partizan elements' in Mk. (p. 129), so when they occur he neglects or misunderstands them.[54] But when they do not occur he neglects or misunderstands (again for apologetic motives) Mk.'s ignorance.[55] What are these apologetic motives? To defend

[48] E.g. on 7.27b (It is not good to take the children's bread and throw it to the dogs.) T. comments, 'The apparent harshness of the saying of Jesus is softened by the fact that He speaks of *κυνάρια*, not *κύνες*.'

[49] E.g. on 14.62 (You shall see the Son of Man sitting at the right of The Power and coming with the clouds of Heaven): 'The phrase *ὄψεσθε κτλ.* does not necessarily describe a visible portent, but more probably indicates that the priests will see facts and circumstances which will show that Psa. cx.1 and Dan. vii.13 are fulfilled in the person and work of Jesus.' or, on 14.36, 'It is alien to the spirit of Jesus that He should ask for the cup to be taken away if it is no more than one of personal suffering and death.' See also the exact definition of the sin against the Holy Ghost (p. 244), the explanation of the psychological nuances involved in the stilling of the storm, &c.

[50] V. sup. in 1.5; 4.26; 7.24; 8.1,31 &c., esp. the first note to the comment on 7.24. This sort of argument should have been given its *coup de grace* by form criticism; see the remarks of Percy, op. cit. (in 1.9–11, n. 4), Introduction, esp. p. 2.

[51] V.s. in 6.35; 8.1.

[52] V.s. in 1.21; 4.38; 5.21; 6.5; 11.2.

[53] V.s. in 6.35; 11.2.

[54] V.s. in 1.1; 2.17; 7.24; 9.33; 10.3,13; 11.27; 14.26; 15.1; 16.15.

[55] V.s. in 1.41; 6.6; 11.1.

both the historical reliability of Mk. and the liberal Protestant picture of Jesus. The first of these drove him to the methods just described, the second to casuistical 'explanations' which contradict the clear sense of the text and to arbitrary rejection of material which could not be 'explained.' [56] His book is thus a monument to his piety no less than to his scholarship.

[56] V.s. in 1.9; 2.5; 4.11; 8.38; 10.3; 13; 14.25; and the first two notes to this paragraph.

MYSTERIES OF STATE

An Absolutist Concept and Its Late Mediaeval Origins *

ERNST H. KANTOROWICZ
The Institute for Advanced Study
Princeton, New Jersey

Mysteries of State as a concept of Absolutism has its mediaeval background. It is a late offshoot of that spiritual-secular hybridism which, as a result of the infinite cross-relations between Church and State, may be found in every century of the Middle Ages and has deservedly attracted the attention of historians for many years. After A. Alföldi's fundamental studies on ceremonial and insignia of Roman emperors,[1] Theodor Klauser discussed more recently the origin of the episcopal insignia and rights of honor, and showed very clearly how, in and after the age of Constantine the Great, various privileges of vestment and rank of the highest officers of the Late Empire were passed on to the bishops of the victorious Church.[2] At about the same time, Percy Ernst Schramm published his compendious article on the mutual exchange of rights of honor between *sacerdotium* and *regnum*, in which he demonstrated how the *imitatio imperii* on the part of the spiritual power was balanced by an *imitatio sacerdotii* on the part of the secular power.[3] Schramm carried his study only to the threshold of the Hohenstaufen period, and he was right to stop where he did. For the mutual borrowings of which he speaks — insignia, titles, symbols, privileges, and prerogatives — affected in the earlier Middle Ages chiefly the ruling individuals, both spiritual and secular, the crown-

* This paper was read at the joint session of the American Catholic Historical Association and the American Historical Association, on December 28, 1953, in Chicago. The title has been slightly modified; the content remains practically unchanged.

[1] Andreas Alföldi, "Die Ausgestaltung des monarchischen Zeremoniells am römischen Kaiserhofe," and "Insignien und Tracht der römischen Kaiser," Römische Mitteilungen, XLIX (1934), 1–118; L (1935), 1–171.

[2] Theodor Klauser, Der Ursprung der bischöflichen Insignien und Ehrenrechte (Bonner akademische Reden, I: Krefeld, 1949).

[3] Percy Ernst Schramm, "Sacerdotium und Regnum im Austausch ihrer Vorrechte," Studi Gregoriani, II (1947), 403–457.

wearing pontiff and the mitre-wearing emperor, until finally the *sacerdotium* had an imperial appearance, and the *regnum* a clerical touch. By the beginning of the thirteenth century at the latest, a certain state of saturation was reached, when both the spiritual and secular dignitaries were rigged with all the essential attributes of their offices.

The borrowings between the two orbits, however, did not then come to an end. Only the objectives changed, as the center of gravity shifted, so to speak, from the ruling personages of the Middle Ages to the ruled collectives of early modern times, to the new national states and other political communities. That is to say, the field of exchanges between Church and State, and of mutual influences, was expanded from individual dignitaries to compact communities. Therewith sociological problems began to shape ecclesiological problems and, vice versa, ecclesiology, sociology. Under the pope as *princeps* and *verus imperator* the hierarchical apparatus of the Roman Church — notwithstanding some important features of Constitutionalism [4] — showed a tendency to become the perfect prototype of an absolute and rational monarchy on a mystical basis, whereas simultaneously the state showed increasingly a tendency to become a quasi-Church and, in other respects, a mystical monarchy on a rational basis. It is here in these waters — brackish waters, if you prefer — that the new state mysticism found its breeding and dwelling place.

The basic problem may be approached most easily by posing a simple question: How, by what channels and by what techniques, were the spiritual *arcana ecclesiae* transferred to the state so as to produce the new secular *arcana imperii* of absolutism? The answer to this question is given by the sources on which we have to rely; for without neglecting either narratives or arts, ceremonial or liturgy, it may yet be said that our main evidence is legal. It is mainly by our legal sources that the new ways of exchange between the spiritual and the secular become evident. After all, the Canonists used and applied Roman Law; the Civilians used and applied Canon Law; and both Laws were used also by Common

[4] See Brian Tierney, "The Canonists and the Mediaeval State," Review of Politics, XV (1953), 378–388.

Law jurists.[5] Moreover, both Laws were influenced by scholastic method and thought, as well as by Aristotelian philosophy; finally, the jurists of all branches of Law applied freely, and without scruples or inhibitions, theological metaphors and similes when expounding their points of view in glosses and legal opinions. Under the impact of those exchanges between canon and civilian glossators and commentators — all but non-existent in the earlier Middle Ages — something came into being which then was called "Mysteries of State," and which today in a more generalizing sense is often termed "Political Theology." [6] Felicitous as ever, Maitland once remarked that eventually "the nation stepped into the shoes of the Prince." [7] While fully agreeing, I yet feel that we should add: "Not before the Prince himself had stepped into the pontifical shoes of Pope and Bishop."

In fact, "Pontificalism" was perhaps the outstanding feature of the new monarchies, and few princes — not even Louis XIV — were so genuinely pontifical as King James I of England. In a little juristic dictionary, published in 1607 and called The Interpreter, an able civilian, Dr. John Cowell, advanced certain political theories with which normally James I would not have disagreed: that the king is ever of full age; that he is not taken to be subject to death, but is a corporation in himself that liveth forever; that the king is above the laws; and that he admits legislation by the estates only by his benignity or by reason of his coronation oath.[8] Since the Interpreter roused the indignation of

[5] This has been pointed out repeatedly by Gaines Post; see especially his study on "A Romano-Canonical Maxim, 'Quod omnes tangit,' in Bracton," Traditio, IV (1946), 197–251, and his paper read before the Riccobono Seminar on "The Theory of Public Law and the State in the Thirteenth Century," Seminar, VI (1948), 42–59; also his latest study on "The Two Laws and the Statute of York," Speculum, XXIX (1954), 417–432.

[6] The expression, much discussed in Germany in the early 1930s, has become more popular in this country, unless I am mistaken, through a study by George LaPiana, "Political Theology," The Interpretation of History (Princeton, 1943).

[7] F. W. Maitland, "Moral Personality and Legal Personality," in his Selected Essays (Cambridge, 1936), 230.

[8] For the case of Dr. John Cowell, see Charles H. McIlwain, The Political Works of James I (Cambridge, Mass., 1918), pp. lxxxviiff, and, more recently, Stanley B. Chrimes, "Dr. John Cowell," English Historical Review, LXIV (1949), 461–487, who prints in the Appendix the relevant passages from Cowell's Interpreter or Book Containing the Signification of Words, first published in Cambridge, 1607. Cowell quotes many French authors, and it may have been derived from one of those sources that he points at the king's "benignity" (s.v. "Parliament"). His

the Commons, on whom the king depended for a subsidy, the king himself was compelled to take exception to Dr. Cowell's words. And thus an irate king descended upon a poor scholar who had meant to please his sovereign lord. James I complained, in a proclamation of 1610, that nothing "is now unsearched into," neither the "very highest mysteries of the Godhead," nor "the deepest mysteries that belong to the persons or state of King and Princes, who are Gods on earth," and that incompetent men "will freely wade by their writings in the deepest mysteries of monarchy and politick government." [9] On other occasions, James I spoke of "my Prerogative or mystery of State," of the "mysterie of the King's power," and of "the mysticall reverence, that belongs unto them that sit in the Throne of God," [10] or ordered the speaker of the House of Commons "to acquaint that house with our pleasure that none therein shall presume to meddle ('to meddle' was a favorite expression of absolutism) with anything concerning our government or mysteries of State." [11]

It would not be easy to decide quickly and accurately whence that notion Mysteries of State derived. It might, of course, have been a translation of Tacitus' *arcana imperii temptari*, "to make trial of the innermost of the empire" — and Tacitus may well have

---

contemporary Charles Loyseau, for example, when discussing the validity of the provincial *Coutumiers* and the legislative power of the provincial assemblies, says also that "sa [the king's] bonté permette au peuple des Provinces coustumières de choisir certaines Coustumes, selon lesquelles ils désire vivre." Loyseau's Traité des Seigneuries was first printed in 1608; but Loyseau was probably not the first to use the phrase; see William Farr Church, Constitutional Thought in Sixteenth-Century France (Harvard Hist. Stud., XLVII; Cambridge, 1941), 325, n. 57.

[9] See Thomas P. Taswell-Langmead, English Constitutional History, 8th ed. by Coleman Philippson (London, 1919), 488, note (y), where the better part of the proclamation is printed; cf. Chrimes, op. cit., 472f. See also Parliamentary Debates in 1610, ed. by S. R. Gardiner (Camden Society, 81; London, 1862), 22ff.

[10] McIlwain, Polit. Works, 332 f., for King James' Speech in the Star Chamber, of 1616. It should be noted, however, that the king says also: "For though the Common Law be a mystery and skill best knowen vnto your selues . . ." Here the word "mystery" certainly has the meaning of handicraft or trade — in the sense of "arts and mysteries," which perhaps would allow the suggestion that "mysteries of state" are the handicraft or trade of kings.

[11] See Parliamentary History of England (London, 1806), I, 1326 f. where the "mystery" is the Spanish marriage of Prince Charles; see also McIlwain, Constitutionalism Ancient and Modern (rev. ed., Ithaca, N.Y., 1947), 112, cf. 125. To "meddle" turns up time and time again; it is the equivalent of Latin *se intromittere*; see, e.g., Matthaeus de Afflictis (below, n. 22), I, fol. 45, on Liber aug., I, 4: "Ut nullus se intromittat de factis et consiliis regis."

been known to scholarly James I. However, Mysteries of State has perhaps more a Christian than a Tacitean flavor, although the word *arcana* served to designate both the pagan and the Christian *mysteria*.[12] There is, however, reason to think not of the Roman historian but rather of Roman Law, of a law of the Emperors Gratian, Valentinian, and Theodosius who, in 395, addressed themselves to the *praefectus Urbi* Symmachus when they said it was "sacrilege" to dispute the Prince's judgment and selection of officials.[13] "Sacrilege," to be sure, is a strong word which borders on the "zone of silence" reserved for *mysteria* and *arcana*, for actions in church and in court.[14] However, this ancient law, inserted by Justinian in his Code, was prominent in the legislation of Roger II of Sicily as well as of Frederick II,[15] and was repeated, in a

[12] Tacitus, Annales, II, 36. The expression, of course, was known; see, e.g., Parliamentary Debates in 1610, p. 52, where the Lords are said to "sitt neerer the sterne of government, and therefore are made acquainted first with those things that are *Arcana imperii etc.*" For the interrelations between *arcana* and *mysteria*, see Othmar Perler, Art. "Arkandisziplin," Reallexikon für Antike und Christentum, I (1950), 667–676, with full literature.

[13] Codex Theodos., 1, 6, 9 = C.9, 29, 2: "Disputari de principali iudicio non oportet: sacrilegii enim instar est dubitare, an is dignus sit, quem elegerit imperator."

[14] For the connections between *arcana-mysteria* and *silentium*, see Odo Casel, De philosophorum graecorum silentio mystico (Religionsgeschichtliche Versuche und Vorarbeiten, XVI:2; Giessen, 1919). The *silentium* belonged also to the court ritual of the Roman emperors; see Alföldi, "Zeremoniell" (above, n. 1), 38 f. O. Treitinger, Die oströmische Kaiser- und Reichsidee nach ihrer Gestaltung im höfischen Zeremoniell (Jena, 1938), 52 f.; and, for its representation in early Christian art, the important remarks of André Grabar, "Une fresque visigothique et l'iconographie du silence," Cahiers archéologiques, I (1945), 126 ff. The *silentium*, however, was just as strictly imposed by Frederick II on the parties appearing in the law courts; see Liber augustalis, I, 32: "Cultus iustitiae silentium reputatur." The words derive from Isaiah, 32, 17; but the law itself is framed on Gratian's Decretum, II, C. V, qu. 4, c. 3, ed. Emil Friedberg, Corpus iuris canonici (Leipzig, 1879), I, 548 f., a passage taken from the acts of the 11th Council of Toledo (675 A.D.), which had passed through various canonical collections, including that of Pseudo-Isidorus, before it was received by Gratian and, probably through him, by Frederick II. For his law in the Liber augustalis, see Constitutionum regni Siciliarum libri tres (Sumptibus Antonii Cervonii, Naples, 1773), 82. I am quoting the law book of Frederick II throughout according to this edition (abbreviated Liber aug. [with book and title], ed. Cervone [with page]) because it contains the glosses of Marinus de Caramanico and Andreas of Isernia; the edition of C. Carcani (Naples, 1786), though in some respects superior because it contains also the Greek text, lacks the gloss; and the "chronological" edition of J. L. A. Huillard-Bréholles, Historia diplomatica Friderici Secundi (Paris, 1852–1861), IV, 1 ff., though it may have some better readings, is practically useless for the legal historian because it breaks up the unity of books and titles.

[15] See the so-called Vatican Assizes, I, 17 (published probably in 1140, at Ariano in Apulia), ed. Francesco Brandileone, Il diritto Romano nelle leggi Normanne e

slightly attenuated form, also by Bracton.[16] Nor did it fail to impress James I, who in 1616, very fittingly in a Star Chamber speech, clearly referred to it when he said: "That which concernes the mysterie of the Kings power, is not lawful to be disputed." He warned his audience "to keep in their own bounds, because it was not lawful to dispute the absolute Prerogative of the Crown . . . It is Athiesme and blasphemie to dispute what God can doe . . . So, it is presumption and high contempt in a Subiect, to dispute what a King can do . . ." [17] The references to the law of the three Roman emperors are evident. Needless to say that this law had passed, long before, also into Canon Law where it was applied to the pope.[18]

"Mysteries of State," then, derived obviously from that orbit

---

Sveve del regno di Sicilia (Turin, 1884), 103. The text matches that of the Codex (above, n. 13), but after the word *iudicio* there is added: *consiliis, institutionibus, factis.* The same text is repeated by Frederick II, Liber aug., I, 4, ed. Cervone, 15.

[16] Bracton, De legibus et consuetudinibus Angliae, fol. 34, ed. by G. E. Woodbine (New Haven, 1915–1942), II, 109: "De cartis vero regiis et factis regum non debent nec possunt iustitiarii nec privatae personae disputare, nec etiam, si in illis dubitatio oriatur, possunt eam interpretari." It is difficult to follow the arguments on this passage advanced by Fritz Schulz, "Bracton on Kingship," Engl. Hist. Rev., LX (1945), 173, admirable though his discussion is in so many other respects. Schulz claims that "here the words *et factis regum* must be interpolated." These words, however, are well attested in this connection by the two Sicilian Law Codes (above, n. 15); there is no reason to assume an interpolation, but much reason to wonder where the *de factis* came from. Schulz claims also that the plural *regum* instead of *regis* "is conspicuous." I do not think so: the plural slipped in because C. 9, 29, 2, which Schulz did not take into consideration, has the heading "Idem AAA. (= Augusti) ad Symmachum praefectum Urbi," for the law was issued by the three emperors Gratian, Valentinian, and Theodosius; and the plural first slipped, not into Bracton's treatise, but into Liber aug., I, 4, the title of which reads: "Ut nullus se intromittat (see above, n. 11) *de factis* seu consiliis *regum*" — a significant slip because the Byzantine plurality of emperors influenced the South-Italian scriptoria and chanceries not at all rarely; see G. B. Ladner, "The 'Portraits' of Emperors in Southern Italian *Exultet* Rolls and the Liturgical Commemoration of the Emperor," Speculum, XVII (1942), 189 ff., who convincingly interprets those plurals in South-Italian liturgical texts. How to explain the similarity of Bracton's wording with that of the Sicilian law-book is a different matter; but when Bracton wrote his treatise (probably between 1250 and 1259), England was "swamped" by Sicilians; see E. Kantorowicz, "Petrus de Vinea in England," Mitteilungen des Österreichischen Instituts für Geschichtsforschung, LI (1937–38), esp. 74 ff., 81 ff.

[17] McIlwain, Political Works of James I, 333 f.; see also Parliamentary Debates in 1610, p. 23, § 3.

[18] The law of the three emperors penetrated also Canon Law; see the gloss on *Decretum*, II, C.XVII, qu. 4, c. 4. And, as Professor Gaines Post kindly pointed out to me, the law was transferred also to the pope; see Hostiensis, Summa aurea (Venice, 1586), col. 1610, De crimine sacrilegii, n. 2: "Similiter de iudicio summi

which the jurists of the twelfth and thirteenth centuries — Placentinus, Azo, and others — termed *religio iuris*, "Religion of Law," [19] and what in the surroundings of Frederick II was termed sometimes *mysterium Iustitiae*.[20] It is true, the emperor himself in his Sicilian Constitutions mentioned only the *ministerium Iustitiae*, or rather the *sacratissimum ministerium Iustitiae*, which he entrusted to his officials.[21] But the two words — *ministerium* and *mysterium* — were almost interchangeable since early Christian times, and they were perpetually confused in mediaeval times: a later glossator of the Sicilian Constitutions, Matthaeus de Afflictis, when glossing Frederick's law, still found it necessary to point out in many words the difference between *ministerium* and *mysterium*.[22]

Pontificis disputare non licet." See also Oldradus de Ponte, Consilia, LXII, n. 1 (Lyon, 1550), fol. 21^{rb}: "De potestate vestra dubitare sacrilegium esset. arg. C. de cri. sacri. l. II (C. 9, 29, 2)."

[19] The *religio iuris* is usually discussed by the glossators in connection with Justinian's Institutes, Prooem.: ". . . et fiat [princeps Romanus] tam iuris religiosissimus quam victis hostibus triumphator." Cf. Placentinus, Summa Institutionum, ed. H. Fitting, Juristische Schriften des früheren Mittelalters (Halle, 1876), 222, 21; Azo, Summa Institutionum, ed. F. W. Maitland, Select Passages from the Works of Bracton and Azo (Selden Society, VIII: London, 1895), 6. The Glossa ordinaria (gl. on "religiosissimus") parallels, like Azo and others did before, the notions *iuris religio* and *triumphus*. See also Andreas of Isernia, on Liber aug., I, 99, ed. Cervone, 168: "Iustitia habet multas partes inter quas est religio et sacramentum . . . Nam sacramentum est religio: unde dicitur iurisiurandi religio." *Iurisiurandi religio* remained a technical term of Jurisprudence, and it is significant that a 16th-century French jurist, when referring to Philo, De specialibus legibus, II: De iureiurando religioneque, quoted Philo, Liber de iurisiurandi religione; see Pierre Grégoire, De Republica, VI, c. 3, n. 2 (Lyon, 1609), 137, in marg.

[20] Petrus de Vinea, Epistolae, III, 69, ed. by Simon Schard (Basel, 1566), 512: "vendere precio iusticiae mysterium," a school letter distorting the imperial laws. Venal justice, of course, compared with simony; see Philipp of Leyden (below, n. 67), Casus LX, n. 33, p. 253 f.; Lucas de Penna, on C. 12, 45, 1, n. 61, p. 915: "gravius crimen est vendere iustitiam quam praebendam; legimus enim Christum esse iustitiam [see Decretum, C. XI, q. 3, c. 84, ed. Friedberg, I, 666], non legitur autem esse praebendam."

[21] Liber aug., I, 63, ed. Cervone, 124.

[22] For the interchangeable use of *ministerium* and *mysterium*, see F. Blatt, "Ministerium-Mysterium," Archivum latinitatis medii aevi, IV (1923), 80 f.; one might add E. Diehl, Inscriptiones latinae christianae veteres (Berlin, 1924), I, 4, No. 14 ("ministeriis adque mysteriis religiose celebrandis"); also The Book of Armagh, ed. by John Gwynn (Dublin, 1913), p. ccxxi (quotation of Romans, 11, 25). Matthaeus de Afflictis, In utriusque Siciliae . . . Constitutiones (Venice, 1562), I, fol. 216va, on Liber aug., I, 63 [60], nos. 4–5, finds the chief difference between the two notions finally in the fact that "mysterium non potest fieri in privatis domibus . . . , sed ministerium iustitiae potest fieri etiam in privatis domibus," a somewhat disappointing result of a promising effort. See also A. Souter, A Glossary of Later Latin (Oxford, 1949), s.v. "ministerium."

There seems, therefore, little doubt that it was from the stratum of the "Mysteries of Justice" — "Justice" standing in that period for "Government" or "State" — that James I's concept of Mysteries of State arose. And it was from the same stratum that the Pontificalism of absolute kings originated.

The royal "Pontificalism," then, seems to be resting in the legally settled belief that government is a *mysterium* administered alone by the king-highpriest and his indisputable officers, and that all actions committed in the name of those "Mysteries of State" are valid *ipso facto* or *ex opere operato*, regardless even of the personal worthiness of the king and his henchmen.

Whence does this pontifical attitude, unknown in the earlier Middle Ages, derive? To be sure, the "king-priest," the *rex et sacerdos*, was an early mediaeval ideal of many facets,[23] though always inseparable from the Christ-centered kingship of that age; or, if you prefer, from the liturgical kingship linked to the altar, which finally gave way to a legalistic kingship by divine right. This legalism began in the twelfth century when the king's quasi-sacerdotal character no longer was legitimized exclusively as an effluence of unction and altar, but as an effluence of the gravity of Roman Law which styled judges and lawyers *sacerdotes iustitiae*, "Priests of Justice." [24] The ancient solemnity of liturgical lan-

[23] There is a considerable lack of clarity with regard to the *rex et sacerdos* ideal. Without trying to solve a complicated problem in a footnote, a few remarks may not be out of order. In the early Christian centuries, the *rex et sacerdos* ideal had nothing to do with consecrations: it was chiefly a survival of the imperial title *Pontifex Maximus*, though also an adaptation of that title to Christian thought by way of the biblical model of Melchizedek. The introduction of royal anointments in the 7th and 8th centuries produced the liturgical note: the new coronation anointing of Old-Testament pattern was fused with the baptismal anointing of New-Testament pattern "ut intelligat baptizatus regale ac sacerdotale ministerium accepisse" (see, among a score of similar phrasings, Amalar of Trier's response to the questionnaire of Charlemagne on baptism, Patr. lat., XCIX, 898D): the king, like the neo-baptized, was *rex et sacerdos*, though in a special sense, and his priesthood was esoteric only, and not clerical. After the introduction of head-anointings at the bishops' consecration, the king's coronation was strongly assimilated to the ordination of a bishop: the royal office was "clericalized" and the ruler considered *non omnino laicus*. Roman and Canon Laws finally produced a new, neither esoteric nor liturgico-clerical, but legalistic-clerical interpretation of the old *rex et sacerdos* ideal, though without inactivating the earlier layers completely.

[24] Digest, 1, 1, 1: "(Ulpianus) Cuius merito quis nos sacerdotes appellet: iustitiam namque colimus . . ." Who he (*quis*) was that called the judges and jurists priests is not said; see, however, Aulus Gellius, Noctes Atticae, XIV, 4: ". . . iudicem, qui Iustitiae antistes est"; also Quintilian, Inst. orat., XI, 1, 69: "iuris antistes" See further the inscription CIL., VI, 2250: *sacerdos iustitiae*, with Mommsen's quota-

guage mingled strangely with the new solemnity of the legist's idiom when Roger II, in the Preface to his Sicilian Assizes of (probably) 1140, called his collection of new laws an oblation to God. *Dignum et necessarium est*, "It is meet and necessary" — with these words the Preface opened to explain the purpose of the collection, and continued:

In qua oblatione — By this oblation [of new laws] the royal office presumes for itself a certain privilege of priesthood, wherefore some wise man and jurisprudent called the law interpreters 'Priests of Law.' [25]

With the last quoted words King Roger referred to the opening paragraph of Justinian's Digest which naturally attracted the attention of the mediaeval jurists. Accursius (died ca. 1258), in the Glossa ordinaria on D. 1, 1, 1, drew a clear parallel between the priests of the Church and those of the Law:

Just as the priests minister and confection things holy, so do WE, since the laws are most sacred . . . And just as the priest, when imposing penitence, renders to each one what is his right, so do WE when we judge.[26]

An imperial judge at Florence around 1238, John of Viterbo, inferred from the Codex that "the judge is hallowed by the presence of God" and that "in all legal causes the judge is said, nay, believed to be God with regard to men," whereby the fact that the judge administers a *sacramentum*, the oath, and had a copy of Holy Scriptures on his table, served — or was pressed to fit — the

---

tion of D. 1, 1, 1; also Symmachus, Ep. X, 3, 13, Mon. Germ. Hist., Auct. ant., VI, 282, 28, addressing the emperors *Iustitiae sacerdotes*. For the passage itself, see Ulrich von Lübtow, "De iustitia et iure," Savigny Zeitschrift für Rechtsgeschichte, rom. Abt., LXVI (1948), 458 ff., esp. 524, 559 ff., 563.

[25] Brandileone, Diritto Romano (above, n. 15), 94 f.: "In qua oblatione regni officium quoddam sibi sacerdotii vendicat privilegium; unde quidam sapiens legisque peritus iuris interpretes iuris sacerdotes appellat." Compare *Dignum et necessarium est* with the Preface of the Mass: *Vere dignum et iustum est*; and the relative junction *In qua oblatione* with *Quam oblationem* before the Consecration. Neither the similarities nor the slight variations are meaningless: one wanted the assonance with the Mass, but refrained as yet from profanation.

[26] Glossa ordinaria, on D. 1, 1, 1, gl. 'sacerdotes': "quia ut sacerdotes sacra ministrant et conficiunt, ita et nos, cum leges sunt sanctissimae . . . Ut ius suum cuique tribuit sacerdos in danda poenitentia, sic et nos in iudicando." A long commentary on the subject is found in Guillaume Budé, Annotationes in XXIIII Pandectarum libros (Lyon, 1551), 28 ff.

purpose of a para-religious exaltation of the jurist-priest.[27] So great a jurist as William Durand, the *Speculator*, writing at the end of the thirteenth century, quoted the glossators to the effect "that the emperor ranked as a presbyter according to the passage where it is said (D.1,1,1): 'Deservedly we, the judges, are called priests.' " [28] And he referred to both Roman Law and Gratian's Decretum, as he added: "The emperor is called also pontiff." [29] It is most significant that here a positive effort was made to prove the king's non-laical, and even pontifical, character within the Church, not as a result of his anointment with the holy balm, but as a result of Ulpian's comparison of judges with priests. At any rate, kingship was about to be severed from the altar space, and the ancient ideal of priest-kingship after the model of Melchizedek and of Christ was gradually replaced by a new regal pontificalism after the model of Ulpian or even Justinian himself.

That the Mysteries of State were inseparable from the sphere of law and jurisdiction demands no further comment. The claim to universal jurisdiction which Barbarossa (advised, as the story goes, by the four Doctors of Bologna) put up on the basis of Feudal and Roman Laws, was a failure. It was not a failure when the same claim was made by the Roman Pontiff on the basis of 1 Corinthians 2,15: "The spiritual man judges all, but himself is judged by none." We are well acquainted with the history of that

[27] John of Viterbo, De regimine civitatum, c.25, ed. Gaetano Salvemini, in: Bibliotheca iuridica medii aevi (Bologna, 1901), III,226: ". . . nam iudex alias sacerdos dicitur quia sacra dat . . .; et alias dicitur: 'Iudex dei presentia consecratur' . . .; dicitur etiam, immo creditur, esse deus in omnibus pro hominibus . . ." The places referred to are D.1,1,1; C. 3,1,14; C. 2,59,2,8.

[28] Guillelmus Durandus, Rationale divinorum officiorum, II,8,6 (Lyon, 1565), fol.55^{v}: "Quidam etiam dicunt . . . (D. 1,8,9,3) quod [imperator] fit presbyter iuxta illud: 'Cuius merito quis nos sacerdotes appellat'."

[29] Durandus, loc.cit.: "Imperator etiam pontifex dictus est." Cf. Rationale,II,11: "Unde et Romani Imperatores pontifices dicebantur." This is simply the customary quotation from Gratian, Decretum, I, Dist.XXI,c.1,§8, ed. Friedberg, I,68. The passage in the Decretum is taken from Isidore of Seville, Etym.,VII,12. The civilians rarely failed to allege that place of the Decretum when they came to discuss the pontifical and sacerdotal qualities of the Prince in connection with Justinian, Instit.,II,1,8 ("per pontifices deo consecrata sunt"), or with D. 1,8,9,1 ("cum princeps eum [locum sacrum] dedicavit"). Later Budé, op. cit. (above,n.26), 30, blames Accursius — and, for that matter, the whole old school of glossators — *quod ad nostros pontifices retulit*; that is, for having equated the ancient *pontifex* with the modern Christian bishop. This does honor to Budé's strongly developed historical understanding. By that time, however, the damage was done and the king had become "pontifical."

maxim, and know how the "Man endowed with the Holy Spirit," the *pneumatikós* of the Apostle, finally was replaced by the incumbent of an office, the bishop, and was identified in particular with the Bishop of Rome; and how, after passing through the Dictatus papae of Gregory VII and the bull Unam sanctam of Boniface VIII, the papal maxim claiming universal jurisdiction under certain circumstances was established for all times to come: *Sancta Sedes omnes iudicat, sed a nemine iudicatur.*[30]

Far less well known is the later, secular, history of that maxim. Baldus, the great legal authority of the fourteenth century, remarked that the emperor was also called *Rex, quia alios regit et a nemine regitur*, "Ruler, because he rules others and is ruled by none." [31] Matthaeus de Afflictis, the Sicilian glossator at the beginning of the sixteenth century, declared: "The emperor commands the others, but he is commanded by none."[32] De Afflictis, of course, did not quote or twist St. Paul; he quoted Baldus, who in his turn hardly thought of the Epistle to the Corinthians, but of the canonist maxim: *Sancta sedes omnes iudicat.* The same was probably true when James I declared that God had the power "to judge all and to be judged by none," not without adding, though, that "Kings are justly called Gods,[33] for that they exercise a manner or resemblance of Divine Power on earth." [34] Nor did Salmasius, an absolutist of a good vintage, think of the Apostolic Letter when, in his Regal Defense of Charles I of England, first printed in 1649, said plainly and simply: "He is a king in the

[30] See Albert Michael Koeniger, "Prima sedes a nemine iudicatur," Beiträge zur Geschichte des christlichen Altertums und der byzantinischen Literatur: Festgabe Albert Ehrhard (Bonn und Leipzig, 1922), 273–300; see, for Boniface VIII, also Konrad Burdach, Rienzo und die geistige Wandlung seiner Zeit (Vom Mittelalter zur Reformation, II,1: Berlin, 1913–28), 538 ff. See the angry 16th-century diatribe against the papal maxim by Pierre de Belloy, Moyens d'abus, entreprises et nullitez du rescrit et bulle du Pape Sixte V^e^ (Paris,1586), 61 ff.

[31] Baldus, on Digest, Prooem.,n.23 (Venice,1586), I,fol.2^v^.

[32] Matthaeus de Afflictis, In Sicil. Const., praeludia,qu.XXI,n.3,fol.18: "quia imperator aliis imperat, sed sibi a nemine imperatur, ut dicit Baldus in prin.ff. veteris.in ii.col." (see above,n.31).

[33] For the kings as "gods" (*dii*), see my paper "Deus per naturam, Deus per gratiam," Harvard Theological Review, XLV (1952), 253–277, where I have indicated (e.g.,274,n.72) the connections with absolutist theories, though without penetrating the matter and without recognizing to what extent that notion was actually pivotal in the theories of English and French absolutists. See, e.g., above, n.9.

[34] James I's Speech to the Lords and Commons, March 21, 1609; see McIlwain, Political Works, 307 f.

proper sense of the word, who judges all and is judged by none." [35] Salmasius clearly twisted nothing but the papal theory by transferring its essence to the secular state. Literally, the absolute Prince had stepped into the shoes of the Roman Pontiff: he, the Prince, now became the super-man, that *homo spiritualis* whom Boniface VIII so powerfully had tried to monopolize to the exclusion of all others for the Roman Pontiff.[36]

The "Mysteries of State" were practically always bound to the legal sphere. On the accession of Henry II of France, in 1547, there was introduced into the French Coronation Order a rubric before and after the bestowal of the ring, saying that by this ring "the king solemnly married his realm," — *le roy espousa solemnellement le royaume*.[37] This was not just a metaphor introduced

[35] Salmasius, Defensio regia pro Carolo I.,c.VI (Paris, 1650 [first published in 1649]), 169: "Rex a nemine iudicari potest nisi a Deo"; and 170: " . . . illum proprium [regem esse], qui iudicat de omnibus et a nemine iudicatur."

[36] See Burdach, Rienzo (above, n.30), 211 f., 269 f., and passim (Index, s.v. "Übermensch"), on the idea of the "superman" and its connection with the *homo spiritualis*. The genealogy of "superman" is, however, very complicated, though a connection with St. Paul and the Epistle to the Corinthians cannot easily be denied. See Gregory the Great, Moralia, XVIII,c.54 (§ 92), on Job,27,20–21; Patr. lat., LXXVI,95A. Gregory comments on 1, Cor.2,10, and says about St. Paul: "More suo [Paulus] 'homines' vocans omnes humana sapientes, quia qui divina sapiunt, videlicet *supra homines* sunt. Videbimus igitur Deum, si per coelestem conversationem *suprahomines* esse mereamur." The notion of *suprahomines* thus coincides largely with that of *dii* (see above,n.33). See Charles Norris Cochrane, Christianity and Classical Culture (Oxford, 1940), 113,n.1; J. Maritain, Theonas, Conversations of a Sage (London and New York, 1933), 189; see also R. Reitzenstein, Die hellenistischen Mysterienreligionen (3rd ed., Berlin, 1927), 368 ff., for St. Paul, and further Karl Holl, Luther (Tübingen, 1932),222,533. There is, however, yet another strand. Nikephoras Gregoras, writing in the 14th century, still styles the Byzantine emperor "divine and man above men" (*θεῖος καὶ ὑπὲρ ἀνθρώπων ἄνθρωπος*); cf. Rodolphe Guilland, "Le droit divin à Byzance," Eos, XLII (1947), 153. This strand, of course, leads to the very broad problem of the *theios anēr*, which cannot be broached here. Cf. L. Bieler, ΘΕΙΟΣ ΑΝΗΡ: Das Bild des "göttlichen Menschen" in Spätantike und Frühchristentum (Vienna, 1935).

[37] Th. Godefroy, Le ceremonial de France (Paris, 1619), 348, for the coronation of 1547, and, p. 661, for the more detailed rubrics of 1594: 'ANNEAU ROYAL: Parce qu'au jour du Sacre le Roy espousa solemnellement son Royaume, et fut comme par le doux, gracieux, et amiable lien de mariage inseparablement uny avec ses subjects, pour mutuellement s'entr[e]aimer ainsi que sont les espoux, luy fut par le dit Evesque de Chartres presenté un anneau, pour marque de ceste reciproque conjonction." The rubric after the ceremony says that the same bishop "mit le dit anneau, duquel le Roy espousoit son Royaume, au quatriesme doigt de sa main dextre, dont procede certaine veine attouchant au coeur." See, for the last remark concerning the ring finger, Gratian, Decretum, II, C. XXX, qu.5,c.7, ed.Friedberg; I,1106. In his edict of 1607, concerning the reunion to the Crown of his private patrimony of Navarre, Henry IV quite obviously alludes to those rubrics, when he

for its handsomeness, as perhaps occasionally in an address of James I,[38] but for its agreement with the fundamental law of the realm and with contemporary legal concepts. In 1538, a French lawyer, Charles de Grassaille, advanced in his book On the Regalian Rights of France the theory that "a marriage both moral and politic" (*matrimonium morale et politicum*) was contracted between the king and his *respublica*.[39] Grassaille as well as other sixteenth-century lawyers — René Choppin, in 1572,[40] or François Hotman, in 1576 [41] — declared that the king's power over the domain and the fisc was only that which a husband had over the dowry of his wife: "The domain is the dowry inseparable from the public state." [42] René Choppin actually went so far as to say that the king "is the mystical spouse of the *respublica*" (*Rex reipublicae mysticus coniunx*).[43] This has been looked upon occasionally as

says about his predecessor kings that "ils ont contracté avec leur couronne une espèce de mariage communément appellé saint et politique"; cf. Recueil général des anciens lois françaises, ed.by Isambert, Taillandier et Decrusy, vol. XV (Paris, 1829), 328, No.191; see also Hartung (below,n.40), 33 f.; and, for the *sponsus* metaphor in general, Burdach, Rienzo, 41–61.

[38] See, e.g., King James I's Speech to his First Parliament, in 1603; Parliamentary History, I,930: " 'What God hath conjoined then, let no man separate.' I am the husband, and all the whole island is my lawful wife; I am the head, and it is my body; I am the shepherd, and it is my flock."

[39] Charles de Grassaille, Regalium Franciae libri duo, I, ius xx (Paris, 1545), 217: "Rex dicitur maritus reipublicae . . . Et dicitur esse matrimonium morale et politicum: sicut inter ecclesiam et Praelatum matrimonium spirituale contrahitur. . . Et sicut vir est caput uxoris, uxor vero corpus viri . . . , ita Rex est caput reipublicae et respublica eius corpus." See above,n.38, and below, nos.48,56.

[40] René Choppin, De Domanio Franciae, Lib.II, tit.1, n.2 (Paris, 1605), p.203: "Sicuti enim Lege Julia, dos est a marito inalienabilis: ita Regium Coronae patrimonium, individua Reipublicae dos"; also Lib.III, tit.5, n.6, p.449: "Rex, curator Reipublicae ac mysticus . . . ipsius coniunx." See, for the French version, Choppin, Les oeuvres (Paris, 1635), II,117 and 259. See also the very useful study of Fritz Hartung, Die Krone als Symbol der monarchischen Herrschaft im ausgehenden Mittelalter (Abhandlungen der Preussischen Akademie, 1940, Nr.13; Berlin, 1941), 33 f.

[41] François Hotman, Francogallia, c. IX, n. 5 (first published in 1576; the early editions do not contain Chapter IX, and the later editions were not accessible to me); cf. André Lemaire, Les lois fondamentales de la monarchie française (Paris, 1907),93,n.2, for the editions (also 99,n.2), and,p.100, for the marriage metaphor, used also by Pierre Grégoire, De Republica, IX,1,11 (Lyon,1609; first published in 1578), p.267A: the Prince as *sponsus reipublicae* and the fisc as the *dos pro oneribus danda.*

[42] See Filippo E. Vassalli, "Concetto e natura del fisco," Studi Senesi, XXV (1908), 198, nos. 3–4, and 201, for the metaphor. The problem of inalienability of the fisc or demesne in France is one of the leading subjects in the excellent study of William F. Church, Constitutional Thought in Sixteenth-Century France (above, n. 8).

[43] Above, n.40; also Church, Const. Thought, 82.

a "new theory." [44] In fact, however, those French lawyers, especially Grassaille, quoted verbatim from the Commentaries on the last three books of Justinian's Codex by a South-Italian jurist, Lucas de Penna (born ca. 1320), whose work was widely studied and six times reprinted in sixteenth-century France.[45] The passage from Lucas de Penna, quoted by Grassaille, contains a whole political theory *in nuce*, based on Ephesians, 5, the apostolic Lesson of the matrimonial Mass; and since it leads to other relevant problems, we may use Lucas de Penna's arguments as stepping stones for further discussion.[46]

Lucas de Penna commented on Codex, 11,58,7, on the Occupation of Desert Land, excepting, however, lands belonging to the fisc and the patrimony of the Prince. It is actually the fisc which he wishes to discuss, and quite skilfully he starts with a quotation from Lucan who styled Cato *urbi pater urbique maritus*, "father to the city and the city's husband." [47] From this metaphor he makes his way to the subject in which two hundred years later the French lawyers were interested, as he argues:

There is contracted a moral and political marriage between the Prince and the *respublica*.

Also, just as there is contracted a spiritual and divine marriage between a church and its prelate, so is there contracted a temporal and terrestrial marriage between the Prince and the State.

Also, just as the church is in the prelate and the prelate in the

[44] See Hartung, Krone als Symbol, 33.

[45] See Walter Ullmann, The Medieval Idea of Law as represented by Lucas de Penna (London, 1946), 14,n.2, for the editions. Ullmann reasonably restricts himself to a "few obvious examples" of French jurists who referred to Lucas de Penna (Tiraqueau, Jean de Montaigne, Pierre Rebuffi, Bodin); their number, however, is legion. Grassaille copies verbatim and actually cites Lucas' commentary on C.11,58, 7, in the passage quoted above (n.39).

[46] Lucas de Penna, Commentaria in Tres Libros Codicis, on C. 11, 58, 7, n. 8 ff. (Lyons, 1582), 563 f., a place which Ullmann does not seem to have discussed, though (p.176,n.1) he quotes another marriage metaphor of Lucas. See below, n.49, for the biblical and ritual background.

[47] "Item princeps si verum dicere vel agnoscere volumus, . . . est maritus reipublicae iuxta illud Lucani . . . [Pharsalia, II,388]." The history of the Roman title *pater* (*parens*) *patriae* has been admirably discussed by A. Alföldi, "Die Geburt der kaiserlichen Bildsymbolik: 3. Parens patriae," Museum Helveticum, IX (1952), 204–243, and X (1953), 103–124. The title *urbi maritus* is not quite rare either, since it is found in Priscian, Servius, and others, as every well commented edition of Lucan may show.

church . . . , so is the Prince in the *respublica*, and the *respublica* in the Prince.[48]

Here some of the roots of royal "Pontificalism" are laid bare. Lucas availed himself of the very old metaphor of the mystical marriage of the bishop to his see to interpret the relations between Prince and state [49] — a metaphor widely and generally discussed two generations before when Pope Celestine V, by his abdication of 1294, actually "divorced" himself from the universal Church to which he was married.[50]

In addition, Lucas de Penna cited verbatim a passage from Gratian's Decretum: "The Bishop is in the Church, and the Church in the Bishop." [51] Those words, hailing from a famous letter of St. Cyprian, have always been taken as a corner-stone of the doctrine of the "monarchic episcopate." [52] When trans-

[48] Lucas de Penna, loc.cit.: ". . . inter principem et rempublicam matrimonium morale contrahitur et politicum. Item, sicut inter ecclesiam et praelatum matrimonium spirituale contrahitur et divinum . . . , ita inter principem et rempublicam matrimonium temporale contrahitur et terrenum; et sicut ecclesia est in praelato et praelatus in ecclesia . . . , ita princeps in republica et respublica in principe." Lucas de Penna may have been guided by Andreas of Isernia, a Neapolitan like himself, who on I feud., 3 ("Qui successores teneantur"), n. 16, In usus feudorum (Naples, 1571), 21^{v}, wrote: "Est princeps in republica sicut caput, et respublica in eo sicut in capite, ut dicitur de praelato in ecclesia, et ecclesia in praelato" (see also below, n. 53).

[49] The basis is, of course, Ephes.,5,25 ("sicut et Christus dilexit ecclesiam"), which is also basic for the nuptial mass; the early Christian marriage rings, therefore, displayed in the bezel the marriage of Christ to the Church; see O.M.Dalton, Catalogue of Early Christian Antiquities and Objects from the Christian East . . . of the British Museum (London, 1901), 130 and 131; a particularly beautiful specimen is in the Dumbarton Oaks Research Library and Collection, Washington,D.C. The marriage of a bishop to his see is a very common image to which,e.g., Pope Clement II, who refused to divorce himself from his bishopric Bamberg, alluded in most telling words; see Clement II, Ep.,VIII, Patr.lat.,CXLII,588B; and, above all, the decretal X, 1, 7, 2 (Innocent III), ed. Friedberg, II, 97.

[50] The argument was used especially on the part of the French legists in the trial against the memory of Pope Boniface VIII; cf.P.Dupuy, Histoire du différend d'entre le Pape Boniface VIII et Philippe le Bel (Paris, 1655), 453 ff., and passim; Burdach, Rienzo, 52 f.

[51] Gratian, Decretum, II, C.VII,qu.1,c.7, ed.Friedberg, I,568 f.

[52] Cyprian, Ep.,66,c.8, ed. W.Hartel (CSEL.,III:2, 1871), II,733,5. It would be rewarding to investigate the history of Cyprian's image of reciprocity. See, e.g., Athanasius, Oratio III contra Arianos,c.5, PGr.,XXVI,332A, quoted by G.Ladner, "The Concept of the Image in the Greek Fathers," Dumbarton Oaks Papers, VII (1953),8,n.31 ("The image might well say: 'I [the image] and the emperor are one, I am in him and he is in me' "). Or, for a much later period, Petrus Damiani, Disceptatio synodalis, in: Mon.Germ.Hist., Libelli de lite, I,93,36 f.: "ut . . . rex in Romano pontifice et Romanus pontifex inveniatur in rege" (a place to which Professor Theodor E. Mommsen kindly called my attention). The ultimate source,

ferred to the secular sphere—already by Andreas of Isernia, glossing the Sicilian Constitutions shortly after 1300, then by Lucas de Penna and Matthaeus de Afflictis [53] — the words of St. Cyprian fitted no less neatly as a corner-stone of the "pontifical monarchy": "The Prince is in the *respublica*, and the *respublica* is in the Prince." A certain corporational twist came into the secular version of that maxim [54] certainly through Lucas de Penna, as will be shown presently. The English crown jurists under Queen Elizabeth, however, twisted that twist when they pointed out that "the king in his body politic is incorporated with his subjects, and they with him," and when Sir Francis Bacon rendered an even more condensed formula, coined by his predecessors and defining the king as "a body corporate in a body natural, and a body natural in a body corporate" (*corpus corporatum in corpore naturali, et corpus naturale in corpore corporato*).[55] No doubt, St. Cyprian's coinage had been changed, but the die and the die-sinker are still recognizable.

---

of course, is in all those cases John 14,10, whose own model is difficult to determine. See, however, Eduard Norden, Agnostos Theos (Berlin,1923), 305; Wilfred L.Knox, Some Hellenistic Elements in Primitive Christianity (Schweich Lectures,1942: London,1944),78,n.3, believes that the Johannine saying "goes back to the pantheistic tradition of Stoicism influenced perhaps by the religion of Egypt," and quotes (p.73,n.2, at the very end of the note) as "the nearest parallel to the Johannine language" a phrase found several times in the magical papyri: *σὺ γὰρ εἶ ἐγὼ καὶ ἐγὼ σύ*; see K. Preisendanz, Papyri graecae magicae (Leipzig and Berlin, 1931), II, 47 (P. VIII, 37 ff., 49 ff.) and 123 (P. XIII, 795, with some literature in the footnote). The parallel, however, does not contain the word *in* (*ἐν*), which in fact reflects two different "spaces" and which is essential for the development from John 14,10, to St. Cyprian and thence to the corporational doctrines of early modern times. See also next note.

[53] Andreas of Isernia, Prooemium super Constitutionibus, ed. Cervone (above, n.14), p.xxvi, while discussing the fisc ("fiscus et respublica Romanorum idem sunt"), concludes: "Rex ergo et respublica regni sui idem sunt . . . , qui est in regno sicut caput, respublica in eo sicut in capite." The basis is clearly John 10,30, and 14,10 (as in the case of Athanasius, quoted above,n.52), but the juristic allegation quoted by Andreas is the place of the Decretum (above,n.51). Matthaeus de Afflictis, on Const.,II,3,n.62, fol.11^{v}, refers to Lucas de Penna: "Princeps est in republica et respublica in principe."

[54] The corporational interpretation of that passage in a mystical sense was certainly very old within the Church, though it was not juristically rationalized before the 12th or 13th century. For Lucas de Penna, see below, nos. 56 f.

[55] Edmund Plowden, Commentaries or Reports (London,1816), 233a (Willion v. Berkley), one of a score of similar utterances; see Bacon, "Post-nati," in: Works of Sir Francis Bacon, ed. by Spedding and Heath (London,1892),VII,667, who actually quotes Plowden, Reports,213 (Case of the Duchy of Lancaster).

This corporational aspect, though with a different emphasis, was brought into the picture by Lucas de Penna at the latest. While continuing his political exegesis of Ephesians 5, he applied to the Prince the versicle: "The man is the head of the wife, and the wife the body of the man," and logically concluded: "After the same fashion, the Prince is the head of the realm, and the realm the body of the Prince." [56] The corporational tenet, however, was formulated even more succinctly, when he continued:

> And just as men are joined together spiritually in the spiritual body, the head of which is Christ . . . , so are men joined together morally and politically in the *respublica*, which is a body the head of which is the Prince." [57]

Here we envisage that portentous equation, which became customary around the middle of the thirteenth century: the *corpus reipublicae mysticum*, headed by the Prince, compared with the *corpus ecclesiae mysticum*, headed by Christ.[58] While ignoring here the very obvious parallelism of the ecclesiastical and the secular "mystical bodies," which has been discussed in another connection, it is pertinent to indicate the importance of Aristotle's doctrine of human society (or the state) as an entity having both moral and political ends. For it was in the last analysis a concept based on Aristotle when the jurists pointed out, time and again, that the state was a *corpus morale et politicum* which then indeed could be set over against the *corpus mysticum et spirituale* of the Church with the same ease with which Dante assembled the ter-

[56] Lucas de Penna, loc. cit.: ". . . item, sicut vir est caput uxoris, uxor vero corpus viri . . . , ita princeps caput reipublicae, et respublica eius corpus." The quotation is Ephes. 5,23 and 28; that is, it belongs to that apostolic writing which (above, n.49) predominantly referred to both marriage rite and corporational doctrines in their early setting. See also next note, and above, n.38, for James I, who quoted those passages.

[57] "Item, sicut membra coniunguntur in humano corpore carnaliter, et homines spirituali corpori spiritualiter coniunguntur cui corpori Christus est caput . . . , sic moraliter et politice homines coniunguntur reipublicae quae corpus est, cuius caput est princeps."

[58] See "Pro patria mori," American Historical Review, LVI (1951),486 f., 490 f., for additional examples. See also Huguccio of Pisa (d. 1210), who sets over against the body of Christ that of the Devil (". . . ita infideles sunt unum corpus, cuius caput est diabolus"); cf. Onory, Fonti canonistiche (below,n.84),175,n.2, who adds similar places.

restrial paradise and the celestial paradise on one denominator as the two goals of mankind.[59]

Lucas de Penna, by his *quid pro quo* method, thus arrives at an "equiparation" not only of Prince and bishop, but also of Prince and Christ. And he made the comparison with Christ poignantly clear when he added:

> Just as Christ joined to himself an alien-born, the Church of Gentiles, as his spouse . . . , so has the Prince joined to himself the state as his *sponsa*, which is not his . . .[60]

Thus, the venerable image of *sponsus* and *sponsa*, Christ and his Church, was transferred from the spiritual to the secular and adapted to the jurist's need for defining the relations between Prince and State. We now understand how the French jurist happened to style the king the *mysticus coniunx* of France. The Prince not only donned the episcopal shoes, but became — like the bishops' celestial prototype — both the head of a mystical body and its groom.

With this canonistic mysticism there was fused the institutionalism of Roman Law. Lucas de Penna's true purpose, when enlarging on those marriage metaphors, was to illustrate the peculiarities of the fisc. He interpreted the fisc as the dowry of the *respublica*, and maintained that the husband was entitled only to use, but not to alienate, the property of his wife. He further paralleled the vows, exchanged by groom and bride at their marriage, to the oaths, taken by kings at their coronation and by bishops at their

[59] For the connection of *morale* ("ethical" in the Aristotelean sense) and *politicum* it will suffice here to quote Thomas Aquinas' Prooemium,c.6, of his Expositio in libros Politicorum Aristotelis, ed. by Raymundus M.Spiazzi (Turin and Rome, 1951), p.2: ". . . et huiusmodi quae ad *moralem scientiam* pertinent: manifestum est *politicam scientiam* . . . contineri . . . sub activis [scientiis] quae sunt *scientiae morales*." The expression *corpus politicum et mysticum* is found frequently in England and France as a predication of the state; see, e.g., S.B.Chrimes, English Constitutional Ideas in the Fifteenth Century (Cambridge, 1936), 180,185 ("the mistik or politike body"); for France, Church, Constitutional Thought, 29, n.20; 34,n.36; 278,n.16 ("le corps politique et mystique"). See also above, n.37 ("saint et politique").

[60] Lucas de Penna, loc.cit.: "Amplius, sicut Christus alienigenam, id est, gentilem ecclesiam sibi copulavit uxorem, 35.q.l. § hac itaque, sic et princeps rempublicam, quae quantum ad dominium sua non est, cum ad principatum assumitur, sponsam sibi coniungit . . ." The reference is to Gratian's Decretum, II,C.XXXV,q.1,§1 (Gratian's commentary on Augustine, De civitate Dei,XV,c.16), ed. Friedberg, I,1263.

ordination, by which both promised not to alienate property belonging to the fisc and to the church respectively.[61]

Tempting though it would be to demonstrate how indeed the king's non-alienation promise at his coronation derived from and was related to the episcopal oath (and in the first place the non-alienation oath of the English kings in the thirteenth century),[62] we may pass over that vexed question, and turn, so to speak, to the *mysteria fisci* which Lucas de Penna, seemingly in some absurd mood, had linked to the mystic marriage of Christ and the Church. *Christus* and *fiscus*, however, were not so far apart for the mediaeval lawyers as they would be to us.[63]

In 1441, in a law suit tried before the Court of the Exchequer, John Paston, then a Justice of the Court of Common Pleas and well known to us as the compiler of the Paston Letters, dropped quite casually a strange remark: "What is not snatched by *Christus*, is snatched by the *Fiscus*" (*Quod non capit Christus, capit fiscus*).[64] Professor Plucknett, the learned interpreter of that law suit, took that sentence apparently as a *bon mot* of Paston which he quoted because he rightly considered it "too good to be lost." But Paston's remark would not have been lost anyway. In his collection of emblems, first published in 1522, the great Italian jurist and humanist Andrea Alciati presented an emblem carrying

[61] Lucas de Penna, op.cit.: "Nam aequiparantur quantum ad hoc etiam iuramentum super his praestitum de alienatione facta ⟨non⟩ revocando episcopus et rex. Ita et principi alienatio rerum fiscalium, quae in patrimonio imperii et reipublicae sunt et separate consistunt a privato patrimonio suo, iuste noscitur interdicta." There follows the comparison of the fisc with the *dos* which the *respublica* entrusts to the Prince at her marriage. See above,n.41. Naturally, the *patrimonium Petri* figures as the *dos* of the papal *sponsa*, Rome; see, e.g., Oldradus de Ponte, Consilia, LXXXV, n.1 (Lyon,1550), fol.28^{r}, who admonishes the pope "ut sanctitas vestra revertatur ad sponsam . . . et reparet suum patrimonium et suam dotem, quae multipliciter est collapsa." The doctrine finally traveled its full circular course in the 17th century, when the Roman pontiff appeared as the *maritus* of a *respublica temporalis* (the States of the Church) *iure principatus* and *ex sola ratione dominii publici*, though as a bishop he was also married to the Roman Church (*tanquam vir Ecclesiae*); De Luca, Theatrum I de feudis, disc. 61, n. 6, quoted by Vassalli, "Fisco," 209 (above, n. 42).

[62] See my study on "Inalienability: Canon Law and the English Coronation Oaths of the Thirteenth Century," Speculum, XXIX (1954), 488–502.

[63] Without then knowing either the origin or later history of that comparison, I have briefly discussed the problem in "Christus-Fiscus," Synopsis: Festgabe für Alfred Weber (Heidelberg,1949),225–235.

[64] T.F.T.Plucknett, "The Lancastrian Constitution," Tudor Studies Presented to A.F.Pollard (London, 1924),168,n.10.

the motto *Quod non capit Christus, rapit fiscus.*[65] And from Alciati's authoritative and incredibly influential book, the motto wandered into scores of highly respectable collections of emblems, devices, and proverbs of which the Renaissance was so fond.[66] Nor was the *bon mot* a coinage of Paston. A century before him the Flemish Civilian Philip of Leyden had remarked: "We compare the patrimonial possessions of Christ and the Fisc" (*Bona patrimonialia Christi et fisci comparantur*).[67] Similar remarks are found in Baldus' works; and even in the thirteenth century, Bracton singled out the *res nullius*, "the things belonging to no individual," as property "only of God and the Fisc." [68]

The source of all those lawyers was Gratian's Decretum, the chapter on tithes: *Hoc tollit fiscus, quod non accipit Christus*, "What is not received by Christus, is exacted by the Fiscus." [69] Gratian borrowed the passage from a pseudo-Augustinian sermon. However, the genuine St. Augustine likewise talks about the *fiscus* of Christ [70] — metaphors whose importance should not be minimized, because in the course of the Poverty Struggle in the times

[65] Andrea Alciati, Emblemata (Lyon,1551; first edition 1522), p.158, No.CXLVII. The motto is not found in the *editio princeps* of 1522, but in that of 1531; see Henry Green, Andrea Alciati and the Books of Emblems (London, 1872), 324, who indicates (p.viii) that in the wake of Alciati's publication some thirteen hundred authors published more than 3000 Emblem Books, while Alciati's original was translated into all European languages. I am indebted to Mrs. Caterina Olschki for having called my attention to the Alciati emblem.

[66] See, e.g., K. F. W. Wander, Deutsches Sprichwörterlexikon (Leipzig, 1867), I,538, Nos.54,56,57; V,1102, No.95, cf. Nos.103,104; Johannes Georgius Seyboldus, Selectiora Adagia latino-germanica (Nürnberg,1683),306; Gustavo Strafforello, La sapienza del mondo ovvero dizionario universale dei proverbi di tutti popoli (Turin, 1883), II, 86, s.v. "Fisco."

[67] Philippus de Leyden, De cura rei publicae et sorte principantis,I,9, ed. by R. Fruin and P.C.Molhuysen (The Hague,1915), 13.

[68] The phrase "fiscus et ecclesia aequiparantur" is found time and time again; cf.Baldus, on C.10,1,3,n.2 (Venice,1586), fol.236^{r}. Especially in connection with Justinian's Novel 7,2, those equiparations would be found; e.g., Bartolus, Super Authenticis (Venice,1567), fol.13^{v}. Matthaeus de Afflictis quotes the proverb at least twice; see In Constit. Sicil., praeludia, qu.XV,n.3 (fol.14^{v}), and on Const., I,7 ('de decimis'), fol.53^{v}. Bracton, fol.14, ed. Woodbine, II,57 f.: ". . . sed tantum in bonis Dei vel bonis fisci."

[69] Decretum, II,C.XVI,qu.7,c.8, ed.Friedberg,I,802. The passage was taken from [Pseudo-]Augustinus, Sermones supposititii, 86,3, Patr.lat., XXXIX, col.1912.

[70] Augustine, Enarrationes in Psalmos,CXLVI,17, Patr.lat.,XXXVII, col.1911. The whole passage is quoted and interpreted, e.g., by Lucas de Penna, op.cit., on C.10,1,1,n.7, p. 5.

of Pope John XXII those and similar passages served to prove that Christ, as he had a *fiscus*, owned property.[71]

The antithetical juxtaposition of *Christus* and *Fiscus* may sound like blasphemy to moderns, since the magnitudes do not seem comparable. Mediaeval jurists obviously thought and felt differently. To them, *Christus* meant simply the Church, and the comparison hinged upon the inalienability of both ecclesiastical and fiscal property, of property belonging to either one of the two "dead hands," the Church or the fisc. What *ecclesia* and *fiscus* had in common was perpetuity: in legal language, the "fisc never dies," *fiscus nunquam moritur*.[72] It is immortal like the *Dignitas*, the Dignity of Prince or king, pope or bishop, which "never dies" even though the mortal incumbent may die. Nor did time run against the fisc, as it did not run against the king either, the king as King, the king in his *Dignitas*.[73]

In the last analysis, the "equiparation" of Church and fisc goes back to ancient Roman times when things belonging to the *templa* — since the fourth century gradually replaced by *ecclesiae* — were legally on equal footing with things belonging to the sacred demesne of the emperor.[74] Accordingly, Bracton called those

[71] The decisive passages are Decretum, II,C.XII,q.1,c.12 ("Quare habuit [Christus] loculos cui angeli ministrabant, nisi quia ecclesia ipsius loculos habitura erat?") and c.17 ("Habebat Dominus loculos, a fidelibus oblata conservans . . ."); both passages are taken from Augustine, In Johannem, 12,6 ("loculos habens"), and they are referred to by Pope John XXII in his decretals against the Spirituals; cf. Extravagantes Ioannis XXII, tit.XIV,c.5, ed. Friedberg,II,1230 ff., esp. 1233. The word *loculus*, meaning "purse," then could be taken to mean "fisc"; see Matthaeus de Afflictis, op.cit., prael.,XV,nos.7–9, who elaborates on the question whether or not Christ had a fisc in the proper sense of the word. The whole problem will be discussed separately.

[72] Baldus, Consilia, I,271,n.3 (Venice,1575), fol.81^{v}: "respublica et fiscus sint quid eternum et perpetuum quantum ad essentiam, licet dispositiones saepe mutentur: fiscus enim nunquam moritur."

[73] The principle *Nullum tempus currit contra regem* was commonly acknowledged in the thirteenth century at the latest; see,e.g., Bracton, fols.14,56,103, ed.Woodbine, II,58,167,293, and passim.

[74] See Justinian's Institutes,2,1,7; also D.1,8,1, and C.7,38,2. As late as the fifth century do we find that *ius publicum* and *ius templorum* are treated on equal footing; see Arthur Steinwenter, "Über einige Bedeutungen von *ius* in den nachklassischen Quellen," Iura, IV (1953), 138 f., who shows also that terminologically *ius ecclesiae* simply took the place of *ius templorum*, although with the edict of Licinius, of 313 (at least in the form transmitted by Lactantius, De mortibus persecutorum, 48), the new notion of *corpus Christianorum* was connected with Church property; cf. Arnold Ehrhardt, "Das *corpus Christi* und die Korpora-

things fiscal also *res quasi sacrae*,[75] and Lucas de Penna talked occasionally about *fiscus sanctissimus*, "the most holy Fisc" [76] — though perhaps we, today, find it easier to understand Baldus who called the fisc, owing to its immortality, "the soul of the state" (*fiscus reipublicae anima*).[77]

Moreover, to the fisc the lawyers attributed ubiquity and omnipresence: *Fiscus ubique praesens* declared Accursius (ca. 1230) in a gloss [78] often repeated, especially by the glossators of the Sicilian Constitutions,[79] an ubiquity which made "usucaption of land for absence of the owner" impossible.[80] As so often, it was Baldus who drew from that mysterious ubiquity and omnipresence of the fisc a straightforward conclusion: *Fiscus est ubique et sic in hoc Deo similis*, "The Fisc is omnipresent, and in that, therefore, it is similar to God." [81]

---

tionen im spätrömischen Recht," Zeitschrift für Rechtsgeschichte, rom.Abt., LXXI (1953), 299 ff., and LXXII (1954).

[75] Bracton, fol. 14, ed. Woodbine, II,57 f.; cf. fol.407, Woodbine,III,266, and passim.

[76] Lucas de Penna, on C.10,1,n.2 (Lyon,1582), p.5, with reference to C.7,37,2: *sacratissimus fiscus* and *sacratissimum aerarium*. Those expressions are found also, time and time again, in the works of the French jurists of the sixteenth century, though not without an intention to claim imperial rights for the king; e.g., Choppin (above,n.40), II,tit.1,n.2, p.203: "Sacrum enim existimatur, ut Imperiale, sic Regale Patrimonium, quod ideo a re privata ipsorum Principum separari solet." This is one of the numerous adaptations of imperial prerogatives to royal claims in the wake of the *rex imperator in regno suo* theory (see below,n.84).

[77] Baldus, Consilia, I,271,n.2, fol.81^{v}: "Et, ut ita loquar, est [fiscus] ipsius Reipublicae anima et sustentamentum." This does not prevent him, of course, to say on another occasion correctly: "Fiscus per se est quoddam corpus inanimatum"; see Consilia,I,363,n.2, fol. 118^{r}. Popular also was the comparison with the stomach (Lucas de Penna, on C.11,58,7,n.10, p.564) which is found as early as Corippus, In laudem Iustini,II,249 f. (Mon.Germ.Hist., Auctores antiquissimi, III,2, p.133): ". . . cognoscite fiscum / Ventris habere locum, per quem omnia membra cibantur," which in its turn goes back to the parable of Menenius Agrippa which itself has a long history; see Wilhelm Nestle, "Die Fabel des Menenius Agrippa," Klio, XXI (1926–27), 358 f., also in his Griechische Studien (1948), 502 ff.; Friedrich Gombel, Die Fabel 'Vom Magen den Gliedern' in der Weltliteratur (Beih.z.Zeitschr.f. roman. Philol., LXXX: Halle, 1934).

[78] Glossa ordinaria, on C.7,37.1,v. 'Continuum.'

[79] Marinus de Caramanico, on Liber aug., III, 39, ed. Cervone (above, n. 14), p.399a: ". . . et sic non loquitur de fisco qui semper est praesens." See also Matthaeus de Afflictis, on the same law, n.3, vol.II,fol.186: ". . . nec requiritur probare de praesentia fisci, quia fiscus semper est praesens."

[80] See, e.g., Justinian, Instit.,II,6,rubr.: ". . . inter *praesentes* decennio, inter *absentes* viginti annis usucapiantur." Presence or absence of the owner makes legally some difference, but the fisc is legally always present.

[81] Baldus, on C.7,37,1, fol. 37^{r}. We should not forget that the Church also has ubiquity; see Marcus Antonius Peregrinus, De iure fisci libri octo (Venice, 1611),I,

We should not be mistaken: that language does not betray, or rather does not yet betray, an effort to "deify" the fisc and the State; but it does betray an effort to explain by means of theological terms the nature of the fisc, its perpetuity or, to quote Baldus, the fact that it is *quid eternum et perpetuum quantum ad essentiam*, "something eternal and perpetual with regard to its essence." [82] The reverse side of the application of theological language to secular institutions was, on the one hand, that the fisc and the state machinery eventually *did* become godlike, whereas, on the other hand, God and Christ were demoted to mere symbols of legal fiction in order to expound the ubiquity and eternity of the fictitious person called Fisc.

It was always that *lingua mezzo-teologica* customary with the jurists, which elevated the secular state into the sphere of "mystery." This is true also of that strange personification, the "Dignity which does not die." For with regard to the immortal *Dignitas* we find again the same juxtaposition: "The king (said Baldus) is under no obligation to man, though he is obligated to God and his Dignity which is perpetual." [83] It was always a problem of TIME, of perpetuity, which made the Deity comparable to the Fisc or to the Dignity or to the "King Body politic."

The speculations about the immortal Dignity as well as the application of that notion ran through many phases: from abbot to bishop and pope, from pope to emperor, and from the emperor to the "kings not recognizing a superior." [84] Eventually one said that

---

2,n.22: ". . . quia sicut Romana Ecclesia ubique est, sic fiscum Ecclesiae Romanae ubique existere oportet." See, on the emperor's ubiquity, my paper "Invocatio nominis imperatoris," Bollettino del Centro di studi filologici e linguistici siciliani, III (1955).

[82] See above,n.72.

[83] Baldus, on X,2,24,33, n.5. In Decretalium volumen commentaria (Venice, 1580),fol.261^{v}: "Unde imperator . . . non obligatur homini, sed Deo et dignitati suae, quae perpetua est."

[84] The basis is a decretal of Alexander III: X,1,29,14, ed.Friedberg, II,162; see for the development of the theory, O.von Gierke, Das deutsche Genossenschaftsrecht (Berlin,1881), III,271,n.73. For the secular dignitaries, see Baldus, Consilia, III, 159,n.3, fol.45^{v}; and, ibid., n.4, for the perpetuity of the regal dignity if the king *non cognoscit superiorem*. For the origins of the doctrine of kings not recognizing a superior, see the excellent study of the late Sergio Mochi Onory, Fonti canonistiche dell'idea moderna dello stato (Pubblicazioni dell'università cattolica del Sacro Cuore, N.S., XXXVIII: Milan,1951).

the *regia Dignitas* "never dies," [85] or that the *regia Maiestas* "never dies," [86] or one confronted like Baldus the *persona personalis* of the mortal dignitary with his *persona idealis*, the Dignity which never dies,[87] so that finally the French king could claim to have two guardian angels, one by reason of his individual person, and another by reason of his Dignity.[88] And perforce one arrived one day, though not apparently before the sixteenth century, at the lapidary formula: *Le roy ne meurt jamais*, "The King never dies," even though the English jurists of that period still were careful enough to say: "The king, *as King*, never dies." [89]

Other jurists compared the *Dignitas* with a more classical symbol of immortality and resurrection, the legendary bird Phoenix.[90] The comparison was not badly chosen: there was always only one Phoenix alive at a time; every new Phoenix was "identical" with his predecessor and would be "identical" with his successor; moreover, in the case of this bird — somewhat similar to the angels — species and individual coincided. "The whole kind is preserved in the individual," as Baldus put it, so that every Phoenix was at

[85] Matthaeus de Afflictis, on Liber aug.,II,35,n.23, vol.II,fol.77: "Quae dignitas regia nunquam moritur."

[86] Baldus, on X,1,2,7,n.78, In Decretales, fol.18: "Nam regia maiestas non moritur."

[87] Baldus, Consilia,III,217,n.3, fol.63^{v}: ". . . [persona] personalis quae est anima in substantia hominis, et non persona idealis quae est dignitas."

[88] Grassaille, Regalium Franciae libri duo, I, ius xx (Paris,1545),210: "Item, Rex Franciae duos habet bonos angelos custodes: unum ratione suae privatae personae, alterum ratione dignitatis regalis."

[89] The slogan turns up quite frequently in the arguments of English jurists in the middle of the 16th century; see, e.g., Plowden, Reports, 233a: "for as to this Body [his body politic] the King never dies." In France, it is certainly found by the end of the century, though it should not be confused with the funerary cries *Le roi est mort! Vive le roi!* which have a quite different and non-juristic origin.

[90] The comparison, to my knowledge, is first found in the Glossa ordinaria of Bernard of Parma on the Gregorian Decretals; see gl. "substitutum," on X,1,29,14. See further Johannes Andreae, In Decretalium libros Novella (Venice,1612), fol. 206^{v}–207, on X,1,29,14,nos.30–31, gl. "Phenix," Baldus, on the same decretal, n.3, In Decretales, fol.107, who draws philosophically the right conclusion: "Est autem avis unica singularissima, in qua totum genus servatur in individuo." The comparison is far more striking than can be intimated here; see Jean Hubaux and Maxime Leroy, Le mythe du Phénix (Liège and Paris, 1939), and the important remarks on that study by A.-J.Festugière, "Le symbole du Phénix et le mysticism hermétique," Monuments Piot, XXXVIII (1941), 147–151, with which one should compare Jean de Terre Rouge, Tractatus de iure futuri successoris legitimi in regiis hereditatibus, esp. I,art.2, in the appendix of F.Hotman, Consilia (Arras, 1586), 35 ff.

once the whole existing "Phoenix-kind." Hence, being mortal as individual and immortal as species, the Phoenix probably could claim, if he claimed at all, to be a prototype of the "Corporation sole." [91]

In the speculations about the *Dignitas* theological metaphors were effective too, and even the christological substratum is often quite unmistakable. St. Thomas Aquinas — by combining Aristotelean doctrines about the *organon*, or *instrumentum*, with a theological tenet of Byzantine origin which he came to know through John of Damascus — had expanded upon his doctrine according to which the *humanitas Christi* was the *instrumentum divinitatis* and therewith the instrument of the *principalis causa efficiens* which was God.[92]

This doctrine, too, wandered to the lawyers and was applied to their political theories. They equated the *Dignitas* "which does not die" with the *Divinitas*, and the mortal body natural of the dignitary with the *humanitas*; and on that basis Baldus could write:

> Here we recognize the Dignity as the *principalis* and the person as the *instrumentalis*. Hence, the fundament of an action is the *Dignitas* herself which is perpetual.[93]

Or, when discussing the two persons concurring in the Prince, he writes:

> And the king's [individual] person is the *organum et instrumentum* of that other person which is intellectual and public. And that *persona*

[91] Maitland, Selected Essays, 73–127, and passim.

[92] The subject has been treated very thoroughly by Theophil Tschipke, Die Menschheit Christi als Heilsorgan der Gottheit unter besonderer Berücksichtigung der Lehre des Heiligen Thomas von Aquino (Freiburger Theologische Studien, LV: Freiburg,1940); see also M.Grabmann, "Die Lehre des Erzbischofs und Augustinertheologen Jakob von Viterbo († 1307/8) vom Episkopat und Primat und ihre Beziehung zum Heiligen Thomas von Aquino," Episcopus: Studien über das Bischofsamt . . . Kardinal von Faulhaber . . . dargebracht (Regensburg, 1949), 190,n.10, for further literature.

[93] Baldus, Consilia,III,121,n.6, fol.34: "Ibi attendimus dignitatem tanquam principalem et personam tanquam instrumentalem. Unde fundamentum actus est ipsa dignitas quae est perpetua." In the same paragraph he also makes the distinction "quod persona sit causa immediata, dignitas autem sit causa remota," whereby we should recall that God is often said to act (e.g. at elections) as the *causa remota*.

intellectualis et publica is the one, which *principaliter* causes the actions.[94]

We now understand the method and may understand also whence derives that ecclesiological substratum which so often is perceptible in the speeches and pleadings of English Crown jurists in late Tudor times. We immediately recognize the ecclesiological doctrine of the *corpus mysticum* when, for example, one of the judges opined that suicide was a crime not only against God and Nature, but also against the king, "because he, being the Head, has lost one of his mystical Members." [95] The same, though perhaps less obvious, is true for the terminology of the English jurists whenever they argued about the king as an individual and the king as King, and then usually talked about the king's "two *bodies*," while slipping only rarely and saying instead "two *persons*" — after all, they were not Nestorians, and Sir Edward Coke as well as others cautiously pointed out that though the king has "two bodies" he "hath but one person." [96] We may actually hark far back, to the twelfth century when the Church first emerged as the *corpus mysticum*,[97] and to teachers such as Simon of Tournai or Gregory of Bergamo, to find some, later often repeated, theological formulations of the following pattern:

Two are the bodies of Christ: the human material body which he assumed from the Virgin, and the spiritual collegiate body, the college of the Church.[98]

[94] Baldus, Consilia,III,159,n.6, fol.45^{v}: ". . . loco duarum personarum Rex fungitur . . . Et persona regis est organum et instrumentum illius personae intellectualis et publicae. Et illa persona intellectualis et publica est illa, quae principaliter fundat actus: quia magis attenditur actus, seu virtus principalis, quam virtus organica." Compare,e.g., Aquinas, Summa theologiae, IIIa, qu.LXII,a.5 resp.: "Principalis autem causa efficiens gratiae est ipse Deus, ad quem comparatur humanitas Christi sicut instrumentum coniunctum"; or IIIa,qu.VII,a.1, ad 3: "Quod humanitas Christi est instrumentum divinitatis . . . tanquam instrumentum animatum anima rationali." The transition to the juristic application of this doctrine may perhaps be found in Aquinas himself when he writes (IIIa, qu.VIII,a.2): "In quantum vero anima est motor corporis, corpus instrumentaliter servit animae."

[95] Plowden, Reports, 261; Maitland, Selected Essays, 110,n.2.

[96] Coke, in Calvin's Case (Reports, VII,10a), distinguishes theologically, or even christologically, when he says that the king, though he has "two bodies" (and "two capacities"), has "but one person." Maitland, op.cit., 110,n.4.

[97] See, in addition to Lubac (next note), G.B.Ladner, "Aspects of Mediaeval Thought on Church and State," Review of Politics, IX (1947), 403 ff., esp.414 f.

[98] Simon of Tournai, quoted by Henri de Lubac, Corpus mysticum (Paris, 1949),

One body of Christ which is he himself, and another body of which he is the head.[99]

And with those and many similar definitions of the bodies individual and collective of Christ we then may compare the legal distinctions of the Tudor judges who pointed out, time and time again, that

the King has two Bodies, the one whereof is a Body natural . . . and in this he is subject to Passions and Death as other Men are; and the other is a Body politic and the Members thereof are the subjects, and he and they together compose the corporation, and he is incorporated with them and they with him, and he is the Head, and they are the Members; and this Body is *not* subject to Passions and Death, for as to this Body the King never dies.[100]

It is from these strata of thought, I believe, that the absolutist concept "Mysteries of State" took its origin and that, when finally the Nation stepped into the pontifical shoes of the Prince, the modern ABSOLUTE STATE, even without a Prince, was enabled to make claims like a Church.

122,n.29: "Duo sunt corpora Christi: Unum materiale, quod sumpsit de virgine, et spirituale collegium, collegium ecclesiasticum." See also, ibid.,n.30.

[99] Gregory of Bergamo, De veritate corporis Christi, c.18, ed.H.Hurter, Sanctorum patrum opuscula selecta (Innsbruck, 1879), vol. XXXIX, 75 f.: "Aliud esse novimus Christi corpus, quod videlicet ipse est, aliud corpus, cuius ipse caput est." Cf. Lubac, op.cit.,185 (with n.155), also 123 f., and passim, for many more examples of the *duplex corpus Christi.*

[100] Plowden, Reports,233a, quoted also by Sir William Blackstone, Commentaries on the Laws of England, I,p.249.

AN ONOCEPHALIC MASK

The fourth oration of Libanius, an invective against a consularis Syriae of 389, contains a passage of unique interest (Or. iv,37). In the catalogue of this governor's misdeeds, not the least of which was that he had dubbed the celebrated rhetor of Antioch a "silly fool" (λῆρος), we read that Eutropius was unduly harsh in meting out punishment for minor criminal offenses. Specifically, he had not only permitted men to be flogged to death, but just the day before he had revived a refinement of indignity which had been long in abeyance because it was insulting to the regime: πληγῶν εἶδος πολὺν ἤδη χρόνον ἐξεληλαμένον ὡς ὑβρίζον τὸ σχῆμα τῆς πολιτείας, ἀνενεώσατο, κτλ. This consisted of placing an appliance of some sort — either a donkey's nose-bag, or else a mask resembling a donkey's face — over the face of the prisoner who was being flogged. The purpose was to arouse mirth and laughter at the expense of the culprit; to this end "the bell" contributed (ποιοῦντός τι καὶ τοῦ κώδωνος), and an incidental advantage was that the victim's tears were concealed, so that they won no pity from the onlookers.

The device is described as a πῖλος . . . εἰς ὄνου πρόσωπον πεποιημένος, and one might suppose that the phrase is no more than a circumlocution for some word like χιλωτήρ, "feed-bag."[1] Granted that it is quite in Libanius' manner to prefer a periphrasis to a terminus technicus, I believe that he really means "a cap fashioned to resemble an ass's face," and my reasons are three. 1) Such a cap or mask would have been immediately effective in producing mirth, but a nose-bag would have seemed pointless, because probably not all of the bystanders would have been familiar enough with the object to perceive its connection with a laughable species. 2) In the phrase κρύπτων (sc. Εὐτρόπιος) τὸ τοῦ ξαινομένου πρόσωπον ὑφ' ἑτέρῳ, we must apparently supply προσώπῳ with the last word: not, I think, "beneath something else," but "beneath another face." 3) The bell mentioned is implicitly a part of the appliance. Now there is no reason for attaching a bell to a nose-bag, because the purpose of a nose-bag is to enable the beast to feed while straying, but the bell is intended to prevent him from going too far

[1] My friend, Mr. A. F. Norman, of University College, Hull, would so take it (per litteras). Cf. χιλωκτής in P. Mich. VI, 421 (line 24), a hapax legomenon which may have this meaning. The πῖλος ἐφίππειος in Plutarch, Artaxerxes, 11, was obviously not a feed-bag, but rather a covering of some kind for the animal's head.

astray while grazing at will. I conclude that we are to picture a mask with a bell suspended from the neck.[2]

We have, then, a situation in which mockery renders blows the more excruciating, and wanton mental cruelty is joined to lawful castigation. We are reminded (mutatis mutandis) of the earlier time when Pilate's soldiers placed a "crown of thorns" on Christ's head before they beat and crucified him; this "was not an instrument of torture, but merely a 'property' used in mockery of Jesus' pretension to be King of the Jews." [3] The scenes are comparable: in both cases it is the governor's *praetorium* where the soldiers or the *servi publici* indulge in this morbid sport. But perhaps the resemblance ceases here, because of course Christ was derided for his mission, while the nameless criminals whom Eutropius mocked and punished may have seemed ridiculous just because they brayed with pain like so many asses. If this is all, the text of Libanius deserves no place in the history of religion.[4]

But I doubt that this is all, though I admit that the interpretation can be extended only by conjecture. Yet conjecture is justified, and possibly even necessitated, by Libanius' statement that this practice had been long abolished as insulting to the regime. This can hardly mean that the government had, from humanitarian motives, forbidden a somewhat unnatural form of punishment by express legislation. Though such words as *philanthropia* and *humanitas* belonged to the cant of that grim age, and in some circles a genuine humanity was preached or even practised, flogging with lead-studded knouts (*plumbatae*) was a common penalty for culprits from the lower orders of society (*humiliores*).[5] We search the Codex Theodosianus with scant hope and, as we might expect, in vain, for an ordinance forbidding the far milder inhumanity of the mask. More decisively, though it may be undignified, yet it is no real insult to a government, or a "form of government," merely to pretend that a criminal is being flogged as one might flog a donkey. The practice which Eutropius revived had evidently fallen into gradual desuetude. It can never have been more than sporadic, and it was not illegal, but only offensive to the newer spirit of the

[2] Donkeys are represented in ancient art with bells attached in this fashion; see H. Leclercq, in Cabrol, Dictionnaire d'archéologie chrétienne et de liturgie, I, 2060–61, Plates 601–602. The donkeys in Lucian, Asinus, 48, and Apuleius, Met., x,18, are described as indiscriminately spangled with bells.

[3] Professor Bonner, Harvard Theol. Rev., XLVI (1953) 47–48.

[4] It might, however, be added to Pauly-Wissowa-Kroll, Realencyclopädie, s.v. "Esel," VI, 626–76, and "Πῶλος," XX, 1330–33.

[5] See Mommsen, Römisches Strafrecht (Leipzig 1899) 984.

times,[6] and that, not because the mask was uncomfortable or intrinsically comical, but because it had a distasteful symbolism of some sort.

What was this symbolism, and what new spirit was outraged by it? I venture to suggest that the most ready answer is afforded by a familiar body of evidence for the current pagan libel that the "Deus Christianorum" had an ass's head.[7] The flogging of a man in an onocephalic mask may well have assumed an unpleasant significance for Christians or for those rulers who were in some degree attached to Christianity. Though Eutropius was a pagan, at least for all that we know to the contrary,[8] we cannot be sure that it was his deliberate intention to affront the Christians at the risk of affronting the regime of Theodosius.[9] At any rate, he could have argued in defense that his act had no esoteric meaning, and that the Christians of Antioch, who at that time were of

[6] Cf. Trajan's letter to Pliny, forbidding attention to be paid to anonymous denunciations lodged against Christians (Ep. x,97): *nec nostri saeculi est.*

[7] See Minucius Felix, Octavius, ix,3: *Audio eos turpissimae pecudis caput, videlicet caput asini consecratum inepta nescio qua persuasione venerari*; ibid., xxviii,7: *Inde est quod audire te dicis, caput asini rem nobis esse divinam*; Tertullian, Apologeticum, xvi,1–5, Ad nationes, i,11 and 14. Tertullian says that Christianity inherited this calumny from the Jews (cf. Tacitus, Hist., v,4; Plutarch, Quaestiones Conviviales, iv,5.2 [Moralia, 670 D–E]; Josephus, Contra Apionem, ii,7 and 9), and he tells of a gladiator in Carthage, an apostate Jew, who displayed a picture inscribed "Deus Christianorum Onokoites," showing the toga-clad deity with an ass's ears, a hoof for a foot, and a book in one hand. On the archaeological side, we have especially the famous graffito from the Palatine, commonly dated in the third century. This depicts a crucified slave with an ass's head (or mask?), and another slave, called Alexamenus, worshipping him; see Daremberg-Saglio, Dictionnaire des antiquités grecques et romaines, I, 1575, Fig. 2084, and Leclercq, op. cit. (in note 2, above), I, 2044, Plate 585. For further evidence, with discussion, see Leclercq, op. cit., I, 2041–47 (especially a terra-cotta from Syria, showing Jesus with an ass's ears, carrying the book of the Evangels under one arm); S. Reinach, Cultes, mythes, et religions (Paris 1908), I, 342–46; A. Jacoby, Archiv für Religionswissenschaft, XXV (1927) 265–82; and P. de Labriolle, Dictionnaire d'histoire et de géographie ecclésiastiques, II, 1809–16, and La Réaction païenne (Paris 1934) 193–99.

[8] For Eutropius' biography, see O. Seeck, Die Briefe des Libanius zeitlich geordnet (Leipzig 1906) 153 (No. V), and Realencyclopädie, VI, 1520 (No. 4). A Christian predecessor of his, the consularis Syriae Lucianus, had administered severe floggings in 387–88 (Liban., Or. lvi, 6), but of course he can hardly have used the mask.

[9] E. Skard, Symbolae Osloenses, XXV (1947) 80–82, has called attention to another curious form of punishment inflicted in the Late Empire. A soldier guilty of a serious military infraction was stigmatized, though not physically injured, when his cloak was removed and burnt in his stead, but before this was done a purple insigne of some sort was removed from it, in order not to insult the emperor. The source is a recently published homily of Asterius "the Sophist," who flourished in the time of Constantine. For present purposes, the value of this text is to show that precautions had to be taken against exacting a penalty in a manner symbolically offensive to the imperial majesty.

course extremely numerous, or even an actual majority, were misinterpreting a bit of harmless fun. And even if this was his real purpose, we need not assume that all of the convicts whom he mistreated in this fashion were Christians, because the symbolism would have been complete enough, no matter what victims wore the mask. Naturally Libanius does not enlighten us on this point, but says only that they were petty thieves who did merit a condign punishment (Or. iv,38): it is the severity of the actual flogging that distresses him most, and he resents the mask only as an outrage to the human dignity of the sufferer. A pagan himself, he would not have taxed another pagan too strongly with anti-Christian behavior. In fact, my interpretation would be wholly untenable if our text came, in just this form, from a Christian writer, for such a one would certainly have made capital of the situation, expressing himself so forthrightly as to leave no scope for speculation. This is probably the reason why the passage has never figured, so far as I am aware, in discussions of the alleged "adoration de l'âne." Yet I submit that it has a valid claim to consideration.[10]

Roger Pack

University of Michigan

[10] Jacoby, op. cit. (in note 7, above), held that the onomorphic god represented Kronos-Saturn, but it would be difficult to interpret the wearers of the donkey-masks in Antioch as in some sense reluctant kings of the Saturnalia. To mention only one obstacle: though an animal masquerade was a feature of the festival of the Kalends in those parts of the empire where Celtic influence was felt (see M. P. Nilsson, Archiv für Religionswissenschaft, XIX [1917] 71–82), it was apparently unknown in Syria; at least, as Professor Nilsson has observed (op. cit., 79), Libanius makes no mention of it in his descriptions of that festival as celebrated in Antioch (Or. ix, Εἰς τὰς καλάνδας, Vol. IV, pp. 391–98, Foerster; Ἔκφρασις καλανδῶν, Vol. VIII, pp. 472–77).

Professor Nock calls my attention to Bächtold-Stäubli, Handwörterbuch des deutschen Aberglaubens, s.v. "Hut," IV, 529, where we read that it was once a custom in Germany to place a sort of fool's cap on the head of a person undergoing punishment; for example, a heretic was obliged to wear a paper cap shaped like a bishop's mitre, with devils painted upon it. Professor Nock suggests that this practice may have survived until fairly recent times in the form of the dunce's cap with which stupid schoolboys were crowned. However old this custom may be, it seems akin in spirit, at least, to the use of the donkey-cap in Antioch.

The Eighth International Congress for the History of Religions will be held in Rome from the 17th through the 23rd of April, 1955, in accordance with the decision made at the Congress in Amsterdam in 1950.

BOOKS RECEIVED

THE ACTS OF THE PAGAN MARTYRS: ACTA ALEXANDRINORUM. Edited with commentary *by Herbert A. Musurillo, S.J.*, Oxford, At the Clarendon Press, 1954. xiii, 299 p.

DER BEGRIFF DES MYSTERIUMS BEI JOHANNES CHRYSOSTOMUS; eine Auseinandersetzung mit dem Begriff des "Kultmysteriums" in der Lehre Odo Casels. *Von Dr. theol. Gerhard Fittkau.* Bonn, Peter Hanstein Verlag G.M.B.H., 1953. 231 p. (Theophaneia, 9)

THE CREATION STORY AND MODERN MAN. *By Duval T. McCutchen.* Arlington, Virginia, 1954. 56 p.

CHRISTIANITY IN INDIA: an Historical Summary Having Particular Reference to the Anglican Communion and to the Church of South India, with a Foreword by the Rt. Rev. Robert Erskine Campbell, . . . Prepared by a special committee for American Church Publications, Room 1303, 347 Madison Avenue, New York 17, New York. [Second edition, November 1954] vii, 47 p. (For study groups)

A COMPANION TO THE STUDY OF ST. AUGUSTINE. Edited *by Roy W. Battenhouse.* New York, Oxford University Press, 1955. xiii, 425 p.

DE BLAISE PASCAL A HANRY HAMMOND; Les Provinciales en Angleterre. *Par P. Jansen.* Paris, Librarie Philosophique J. Vrin, 1954. 138 p. (Bibliothèque de la Société d'Histoire Ecclésiastique de la France)

DE LA MORT DES PERSECUTEURS. [*De*] *Lactance.* I Introduction, Texte Critique et Traduction *de J. Moreau.* II. Commentaire *de J. Moreau.* Paris, Les Éditions du Cerf [1954?] 2 v. (Sources Chrétiennes, No. 39)

THE FAITH OF JESUS. *By William Edward Smith.* Boston, Meador Publishing Company, [c1954] 697 p.

DAS GESETZ ERFUELLEN: Matth. 5,17 ff. und 3, 15 Untersucht. Lund, C. W. K. Gleerup [1954] 140 p. (Lunds Universitets Aarsskrift. N. F. Avd. 1. Bd 50. Nr 6)

GUIDEPOSTS IN MODERN JUDAISM: an Analysis of Current Trends in Jewish Thought. *By Jacob B. Agus.* New York, Bloch Publishing Company, 1954. 445 p.

HISTORY OF CHRISTIAN PHILOSOPHY IN THE MIDDLE AGES. *By Etienne Gilson.* New York, Random House [c1955] xvii, 829 p.

JUDAISM IN THEORY AND PRACTICE. *By Beryl D. Cohon.* Revised. New York, Bloch Publishing Company, 1954. ix, 250 p.

ORIENTATIONS MAITRESSES DES APOLOGISTES CHRETIENS DE 270 À 361. *Par Joseph-Rhéal Laurin.* Romae, Apud Aedes Universitatis Gregorianae, 1954. xvi, 487 p. (Analecta Gregoriana. Cura Pontificiae Universitatis Gregorianae edita. Vol. 61. Series Facultatis Historiae Ecclesiasticae. Sectio B (n. 10)

REFORMATION AND CATHOLICITY (A Statement); Commentaries edited *by Rev. J. Loos . . . and J. N. Bakhuizen Van Den Brink . . .* New York. Published by American Church Publications, The American Church Union, Inc. [1954] 47 p.

RELIGIOUS EDUCATION IN SCHOOLS: the Report of an Inquiry Made by the Research Committee of the Institute of Christian Education into the Working of the 1944 Education Act. *Published for the Institute of Christian Education.* London, National Society S.P.C.K., 1954. ix, 157 p. tables.

ST. MATTHEW AND ST. MARK. *By Austin Farrer* . . . . Westminster, Dacre Press [1954] xiii, 236 p. (The Edward Cadbury Lectures 1953–54.)

S. Thomae de Aqvino Ordinis Praedicatorum SVMMA THEOLOGIAE; cura et studio Instituti Studiorum Medievalium Ottaviensis ad textum S. Pii Pp. V iussu confectum recognita. Tomvs Primvs complectens, Primam partem. Editio altera emendata. Ottawa, Canada, Edidit Commissio Piana, 1953. Lxiv, 709, 1, 18 p.

ST. THOMAS AQUINAS. THEOLOGICAL TEXTS. Selected and Translated with notes and an introduction *by Thomas Gilby.* London, Geoffrey Cumberlege, Oxford University Press, 1955. xvii, 423 p.

SWIFT AND THE CHURCH OF IRELAND. *By Louis A. Landa.* Oxford, At the Clarendon Press, 1954. xvi, 206 p.

THE THEOLOGY OF HAHAM DAVID NIETO; An Eighteenth Century Defense of the Jewish Tradition. *By Jakob J. Petuchowski.* Thesis submitted to the Faculty of the Hebrew Union College — Jewish Institute of Religion in partial fulfillment of the requirements for the Doctor of Philosophy Degree. Welch, W. Va., Published by Congregation Emanuel, 1954. ix, 166 p.

TILLOTSON; A Study in Seventeenth-Century Literature. *By Louis G. Locke.* Copenhagen, Rosenkilde and Bagger, 1954. 187 p. (Anglistica, Vol. 4)